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Parliamentary History.

VOL. XIX.

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Published under the Superintendence of

T. C. HANSARD,

PETERBOROUGH COURT, FLEET STREET,

By whom all Communications for this Work, and also for the

"PARLIAMENTARY DEBATES,"

will be attended to.

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THE

Parliamentary History

OF

ENGLAND,

FROM

THE EARLIEST PERIOD

TO

THE YEAR

1803.

FROM WHICH LAST-MENTIONED EPOCH IT IS CONTINUED DOWNWARDS IN THE WORK ENTITLED,

"THE PARLIAMENTARY DEBATES."

VOL. XIX.

COMPRISING THE PERIOD

FROM THE TWENTY-NINTH OF JANUARY 1777, TO THE FOURTH OF DECEMBER 1778.

LONDON:

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1814.

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PREFACE.

THE present Volume contains the Proceedings in Parliament during the years 1777 and 1778. To present the public with correct Reports of the multifarious Debates, relating to the War with America, which took place during this memorable period—and which Debates, from the confused manner they have heretofore appeared in, have been rendered unintelligible, and, to the generality of readers, nearly useless—has been the anxious endeavour of the Editor. And he hopes, in particular, that the transactions, in both Houses, during the laborious Session, which opened on the 18th of November 1777, and closed on the 3rd of June 1778—a Session in which a greater number of interesting public questions were agitated than, perhaps, in any other within the space of the preceding century—will be found detailed with a carefulness commensurate with their importance.

THE favourable manner in which this Work has been received, makes it no less the duty than it is the interest of the Proprietors to exert their utmost to render it as worthy of attention as they are able. The remaining Volumes will appear regularly, until the Work shall be brought down to the year 1803; at which period THE PARLIAMENTARY DEBATES, now publishing under the superintendence of Mr. T. C. Hansard, commenced.

LONDON, 5, *Panton Square*,
Jan. 21, 1814.

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Archbishops.

1768.	Archbishop of Canterbury	Hon. Frederick Cornwallis.
1776.	- - - - - - - - York	William Markham.

Bishops.

1769.	Bishop of St. Asaph	Jonathan Shipley.
1774.	- - - - Bangor.....	John Moore.
1774.	- - - - - Bath and Wells	Charles Moss.
1761.	- - - - - Bristol	Thomas Newton.
1754.	- - - - - Chichester	Sir William Ashburnham, bart.
1774.	- - - - - Coventry and Litchfield	Richard Hurd.
1774.	- - - - - St. David's	James Yorke.
1771.	- - - - - Ely	Edmund Keene.
1761.	- - - - - Exeter.....	Frederick Keppel.
1778.	- - - - - - - - -	John Ross.
1760.	- - - - - Gloucester	William Warburton.
1746.	- - - - - Hereford	Lord James Beauclerk.
1769.	- - - - - Landaff	Shute Barrington.
1761.	- - - - - Lincoln	John Green.
1764.	- - - - - London	Richard Terrick.
1777.	- - - - - - - - - - -	Robert Lowth.
1761.	- - - - - Norwich	Philip Yonge.
1766.	- - - - - Oxford.....	Robert Lowth.
1777.	- - - - - - - - - -	John Butler.
1769.	- - - - - Peterborough	John Hinchcliffe.
1774.	- - - - - Rochester	John Thomas. (1)
1766.	- - - - - Salisbury	John Hume.
1761.	- - - - - Winchester	John Thomas. (2)
1774.	- - - - - Worcester	Brownlow North.
1768.	- - - - - Carlisle	Edmund Law.
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1778. June 2. Edward, Lord Thurlow.

Principal Secretaries of State.

1771. June 12. Henry, Earl of Suffolk and Berkshire, vice Lord Halifax.
1775. Nov. 10. Thomas, Viscount Wentworth, vice Lord Rochford.
Lord George Sackville Germain, afterwards Viscount Sackville. Colonies.

Speaker of the House of Commons.

1770. Jan. 22. Sir Fletcher Norton, knt.

Commissioners for executing the Office of Lord High Treasurer of England.

1774. Mar. 12. Frederick, Lord North, Chancellor of the Exchequer.
George Onslow, esq.
Charles Townshend, esq.
Viscount Beauchamp.
Charles Wolfran Cornwall, esq.
1777. June 5. Frederick, Lord North, Chancellor of the Exchequer.
George, Lord Onslow and Cranley.
Francis, Viscount Beauchamp.
Charles Wolfran Cornwall, esq.
William Henry, Lord Westcote.

Master of the Rolls.

1764. Dec. 4. Sir Thomas Sewell, knt.

Attorneys General.

1771. Jan. 23. Edward Thurlow, esq. afterwards Lord Thurlow.
1778. June 16. Alexander Wedderburn, esq. afterwards Lord Loughborough.

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1771. Jan. 23. Alexander Wedderburn, esq. afterwards Lord Loughborough.
1778. June 16. James Wallace, esq.

Lord Advocate of Scotland.

1775. Henry Dundas, esq. afterwards Viscount Melville.

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Parliamentary History.

17 GEORGE THE THIRD, A. D. 1777.

THIRD SESSION
OF THE
FOURTEENTH PARLIAMENT
OF
GREAT BRITAIN.
[*Continued from Vol. XVIII.*]

1777.

PETITION of the African Company.] Jan. 29, 1777. A Petition of the committee of the company of merchants trading to Africa was presented, setting forth, "That the petitioners have laid before the House, an account of the money granted for the year 1775, examined and passed by the cursitor baron of the Exchequer, as required by an Act of the 23rd Geo. 2nd, intituled, 'An Act for extending and improving the trade to Africa;' and that they have invested the money granted in 1776 for the support and maintenance of the forts and settlements on the said coast; and that, the said forts and settlements having been delivered to the petitioners in a very bad state by the Royal African Company, and the sums annually granted by parliament being nearly expended in the civil and military establishments, leaving very little for the repairs of the said forts, several of them still remain in a very ruinous condition; and that the House, in 1772, granted 2,400*l.* to finish the repairs of Cape Coast Castle; but, in the progress of the work, the walls of the fort were found in so very decayed a state, and so many defects discovered, that the petitioners have been unavoidably led into the expence of a much larger sum, and the repairs of the said fort still remain unfinished, nor can the petitioners proceed therein until the House shall enable them; and that, at the end of December 1775, the officers and servants in Africa had advanced for the public service about 7,000*l.* more than the petitioners have been enabled to repay them; and that the said officers have further advanced about 1,200*l.* to the inhabitants of Lagoe and Mumford, two principal trading towns on the coast of Africa, in order to preserve the commerce of those towns to the British nation, which advance the said officers pray may be repaid them; and that the expence of freight and insurance on the goods and stores sent to Africa this year will amount to near 1,000*l.* extraordinary; and that the petitioners, being sensible of the great regard shewn by the House for the British forts and settlements on the coast of Africa: therefore pray the House to take the premises into consideration, and grant such sum for the necessary support and maintenance of the said forts and settlements, for repaying the officers and servants the several sums of money advanced by them, and likewise for the repairs still wanted, as shall seem meet."

Ordered to lie upon the table.

Earl *Nugent* observed, that the present state of the African Company called for particular attention; that regular demands were made every year in parliament, for grants to defray the civil establishment; besides particular ones, for the repairs of fortifications, &c. that certainly it was an object worthy of inquiry, to know how the money granted was expended; yet he could not recommend such an enquiry to parliament, in the present state of public affairs, when he recollected what happened on a former occasion. In 1775, the same doubts existed; a committee was appointed, and employed a great part of that session; it was a tedious affair, and answered very little purpose. He could

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not, therefore, think of proceeding in the same manner now, but would move, "That an humble Address be presented to his Majesty, that he will be pleased to give directions to the commissioners for trade and plantations, to enquire into, and prepare, in order to be laid before this House, a Report of the general State of the trade to Africa, the condition of the forts and settlements there belonging to the African company, and in what manner the several sums of money granted by parliament for maintaining and supporting the same, have been applied."

Mr. *A. Bacon* was of the same opinion, and that it was necessary that the grant should precede any inquiry in that House.

Mr. *Vyner* said he well remembered the time alluded to by the noble lord, and the hon. gentleman. He recollected several curious particulars of the company sending out bricks or stones to erect the fortifications; yet, by the accounts, he was sorry to find, as well as by the petition, that the stones or bricks were so rotten, that instead of repairing the fortifications of Cape Coast Castle, they were in so ruinous a condition, that they must be pulled down, and rebuilt from the very foundation.

Mr. *Gascoyne* spoke against the conduct of the African company, and concluded that the grants of parliament answered no one substantial purpose, but that of establishing a monopoly.

The Address was agreed to.

A Bill for granting Letters of Marque and Reprisal passed.] February 6. A Bill for enabling the commissioners for executing the office of lord high admiral of Great Britain to grant commissions, or letters of marque, to the commanders of private ships and vessels, to take and make prize of all ships or vessels, and their cargoes, belonging to or possessed by any of the inhabitants of the colonies of New Hampshire, Massachusett's Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, for a time to be limited, was passed in the Commons, and carried to the Lords. There were no debates on this Bill, in any stage of its passing.

Debate in the Commons on the Bill for suspending the Habeas Corpus Act.] February 6. Lord *North* said, that having a matter of some importance to communicate to the House, he could wish their attention for a few minutes: it was upon a business which ought not to be detailed before so thin a House, but there would be several stages of the business which would give opportunity for ample discussion: the thing was this; there had been, during the present war in America, many prisoners made, who were in actual commission of the crime of high treason; and, there were persons, at present, guilty of that crime, who might be taken, but perhaps for want of evidence could not be kept in gaol. That it had been customary upon similar occasions of rebellion, or danger of invasion, to enable the king to seize suspected persons: he would not be thought to hint at any necessity of trusting ministers at present with such a power in general; indeed, the times were different; we were very far from having any rebellion at home; and as to an invasion, we had not the least prospect of it: For these reasons, it was not meant to ask the full power, usual upon former occasions of rebellion. But as the law stood, they were well informed, that it was not possible at present officially to apprehend the most suspected person. Another circumstance was, that persons made prisoners from the rebels, and also in the act of piracy, on the high seas, at present, could be legally confined only in the common gaols, which would be entirely impracticable. It was necessary for the crown to have a power of confining them like other prisoners of war. He therefore moved, "That leave be given to bring in a Bill to empower his Majesty to secure and detain persons charged with, or suspected of, the crime of high treason committed in North America, or on the high seas, or the crime of piracy."—Leave was accordingly given.

Feb. 7. Lord G. Germaine presented to the House the following Bill:

"A Bill to empower his Majesty to secure and detain Persons charged with, or suspected of, the Crime of High Treason committed in North America, or on the High Seas, or the Crime of Piracy.

"Whereas a rebellion and war have been openly and traitorously levied and carried on in certain of his Majesty's colonies and plantations in America, and acts of treason and piracy have been committed upon the ships and goods of his

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Majesty's subjects; and many persons have been seized and taken, who are expressly charged or strongly suspected of such treasons and felonies, and many more such persons may be hereafter so seized and taken:

"And whereas such persons have been or may be brought into this kingdom, and into other parts of his Majesty's dominions; and it may be inconvenient in many such cases to proceed forthwith to the trial of such criminals, and at the same time of evil example to suffer them to go at large:

"Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that all and every person or persons, who have been or shall hereafter be seized or taken in the act of high treason, committed in any of the colonies, or on the high seas, or in the act of piracy, or who are or shall be charged with, or suspected of the said crimes, and who have been or shall be committed for the said crimes, or either of them, or for suspicion of them, or either of them, in any part of his Majesty's dominions, to the common gaol, or any other place of confinement specially appointed for that purpose, by warrant under his Majesty's sign manual, by any magistrate having competent authority in that behalf (who is hereby authorised to commit such persons to the place so to be appointed) all and every such person and persons shall and may be thereupon secured and detained in safe custody without bail or mainprize, until the and that no judge or justice of peace shall bail or try any such person or persons, without order from his Majesty's most honourable privy council, signed by of the said privy council, until the said any law, statute, or usage, to the contrary in any wise notwithstanding.

"And be it further enacted by the authority aforesaid, that this Act shall continue and be in force until the said and no longer."

Mr. *John Johnstone* thought the power of calling out the militia of the kingdom, without the consent of parliament, and the immense armament we had on foot, both by land and sea, sufficient to answer every end of government, in bringing back the Americans to their allegiance, without the dangerous measure of attacking the grand palladium of the British constitution, the freedom of men's persons. He considered it as the last rigorous step effectually to prevent all possibility of a reconciliation between the colonies and the mother country.

Mr. *Dunning* moved that a Bill of such importance should be printed, and the second reading put off to the 10th, which was agreed to.

Feb. 10. On the order of the day for the second reading of the Bill,

Mr. *John Johnstone* said, this measure would increase the animosity between Great Britain and America. The confinements, commitments, massacres, and the whole train of consequences which would arise from such a system of punishment, revenge, and retaliation, probably on both sides of the Atlantic, filled his mind with horror and anxiety: added to this, the total suspension of all the great functions of the constitution, seemingly *pro tempore*, and for particular purposes; but which, by the same influence, might be extended to any duration, and directed to any purpose, gave a complexion to the whole, of the most arbitrary, cruel, and diabolical colour. By the present Bill, no man would be exempt, however peaceable and loyal, from being sacrificed at the shrine of the bloody ministerial mandate; whether in America or Britain, it was all the same; whether guilty or not guilty, he lay not only at the mercy of his private enemies, but of every tool in office, from the highest to the lowest. The wide circuit of the human mind was not more various and extensive than man's suspicions, nor more numerous than the motives which provoke him to public oppression and private ill. Bad, however, as the Bill was, and big with mischief, he would rest contented in some measure, if ministers would pledge themselves for the due performance of what the title and preamble of the Bill seemed obviously to import.

Mr. *Dunning* said, he would not take up the time of the House in debating the Bill upon legal grounds; for where there was no reason or justice, there could be no law. Law supposes a rule, which, while it prescribes a mode of conduct, respecting either the public or individuals, defines the offence, annexes the punishment, and, besides, specially provides and directs all the intermediate steps between the charge and conviction, but more particularly the measure and quantity of the punishment.

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What does this Bill say? No crime is imputable, no examination of innocence or criminality is to follow. The punishment is inflicted, in the first instance, on the ground of mere suspicion. A man may be suspected; any man may be suspected; but his guilt or innocence are entirely out of the question; no enquiry whatever is to be made into either, as long as the present Bill continues in force.

He confessed there were times, in which it had been found extremely necessary to suspend the Habeas Corpus Act; such, in particular, were the two late most unnatural and unprovoked rebellions in Scotland: but then there was a necessity stated. That necessity was not denied; it was, indeed, notorious: but would any man say, that was the case at present? Is there a rebellion within the kingdom? Is there a pretender claiming the crown as his legal and constitutional inheritance; and that at the expence of both our civil and religious rights—the very essence, as well as the form of our constitution? No such thing: the idea is ridiculous. Are we, on the other hand, afraid that the people of America will pass the Atlantic on a bridge, and come over and conquer us? and that their partisans lie in ambush about Brentford or Colnbrook? That, it may be presumed, will be hardly contended, even in the present rage for assertion without proof, and conclusion without argument. No: this Bill, I plainly perceive, has been manufactured for other purposes. It can be stretched, and twined, and twisted, by the ingenuity of my worthy and learned friend the Attorney General, or by some of his brethren, equally ingenious, to affect and reach men who never saw America, or, peradventure, the high seas, as efficaciously, for the mere temporary purposes of persecution and revenge, as if they had been caught in arms—in open rebellion. If even ministers had contented themselves with this first ebullition of their fiery, irresistible zeal for persecution, the public might look on, with a mixture of contempt and astonishment, at the insolence and folly of the attempt; but when they go a step farther, and venture to couple it with a power untried in the annals of this country, a power, including in it the most bloody species of proscription, I confess I begin to feel sentiments of a very different nature. What does the clause say? After empowering the apprehension, on the mere grounds of suspicion, and directing the commitment to any common gaol, within his Majesty's dominions, are not we next told, "or to any other place of confinement, specially appointed for that purpose, by warrant under his Majesty's sign manual, by any magistrate, having competent authority in that behalf (who is hereby authorized to commit such persons to the place so to be appointed)?" Is not this evidently a power, not only to punish the innocent, but to inflict such pains upon them as an honest mind must revolt at, and contemplate with horror? The magistrate may take up and commit, on suspicion, to the common gaol, and by the sign manual, to any other place especially appointed; and is further authorized to commit according to such special appointment. What is this but to authorize the mode, measure, and place of confinement, at the pleasure of the minister, which, besides, manifestly includes in it the power of temporary banishment, as well as confinement, to any part, or to the most remote, unhealthy, and pestiferous climate, within the wide circuit of his Majesty's dominions, in the four qnarters of the globe? If this be the intention of my hon. and learned friend, and his no less honourable employers, in God's name let him speak out; let us know, let the public know, what they are to expect. Let him and his friends no longer amuse us with a formal circumstantial story of America and the high seas, or of the crime of piracy; such tales may be amusing to some people, and they may answer certain purposes out of doors, and in some particular places: but to talk of them seriously within these walls, will not, I believe, be attempted. The power endeavoured to be vested in the crown by this Bill, is most evidently a dictatorial power, or similar to that exercised by the Roman dictators. We all know the motives for granting such a power. It will hardly be contended, that any such motives exist at present. We all know the frequent abuse of it, and the horrid purposes towards the latter period of the common-wealth, to which it was employed; and I presume there is not a school-boy of three years standing, who is ignorant that that mighty republic was overthrown by a dictator. Such will always be the case, when powers are granted through ignorance, wantonness, and design. If the present Bill was to have no other evil effect than establishing a precedent for future ministers to come to parliament on the same errand, I should be against it; but when I behold it in the

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light I do, I must deem it a most formidable, dangerous, and, I fear, fatal attack, upon the liberty of this country. It seems directed at its very vitals, and, in my opinion, threatens its total destruction, if not a dissolution of the constitution.

Before I conclude, I must observe, if any thing were wanting to shew the true complexion of this Bill, the words 'high seas' and 'piracy' will fully explain it; these words apply to the seas contiguous to Great Britain and Ireland. It is, indeed, plainly perceivable, whatever the title of the Bill may be, it is not an American, so much as it is a British suspension of the Habeas Corpus Act. It may overtake any man, any where. It authorises a discretionary punishment, without a colour of legal proof, or even a probable ground of suspicion. It makes no distinction between the dreams of a sick man, the ravings of a demoniac, and the malice of a secret or declared enemy. No man is exempt from punishment, because innocence is no longer a protection. It will generate spies, informers, and false accusers beyond number; and furnish the means of gratification, emolument, and satiety, to the most profligate of the species; while it will let loose with impunity, the blackest, and most horrid vices, which disgrace the human mind. In fine, it will realise what has hitherto been looked upon to be the creature of poetic fiction: it will scatter over the land more ills and curses, than were ever supposed to flow from Pandora's box. Justice will be bound, as well as blind; and it will be in the power of every revengeful minister, or mercenary villain, to satiate his revenge, or fill his pockets, at the expence of the best, and most virtuous men in the commonwealth.

Mr. Attorney General *Thurlow* said, that nothing more was meant by the Bill, than to apprehend, commit, and confine persons actually charged, or suspected of committing, the crime of high treason in America, or on the high seas, or of piracy. It was absurd and preposterous to the last degree, to suppose it was framed intentionally to reach or overtake persons presumed to be disaffected to this government, within this realm. He was certain the kingdom contained no such description of men. Treason and rebellion were properly and peculiarly the native growth of America. If government feared any such disposition in the people of this country, their application would have been fair, open, and direct; they would have come to parliament, and desired an immediate suspension of the Habeas Corpus Act, in so many words; they would have accompanied such a request with their motives, and have stated the grounds of necessity. But the present Bill was framed totally on another plan; it was meant to prevent mischief, not with a view to rigorous punishments, much less to persecutions. No innocent man had any thing to fear, the guilty man had every thing; and whatever harsh epithets gentlemen who disapproved of the Bill, might think proper to bestow on it, he should, for his part, always think, that that was the mildest, wisest, and most lenient government, which directed its attention, and devised modes of prevention, instead of endeavouring to deter by rigorous and sanguinary punishments. His hon. and learned friend founded his prime objection on a supposition that the Bill might be construed to extend to persons who had committed crimes within the realm. This was an objection, he solemnly believed, of the first impression. Be that as it might, this was not the proper stage of the Bill to debate that question; supposing that the Bill were to operate precisely as his learned friend had stated it, he could not see even a colourable pretext for finding fault with it. Imagining the king's death, his justices, his treasurer, &c. was high treason; so was levying war within the realm, or appearing in arms against the sovereign, or adhering to, or corresponding with, his enemies; now, if it should be discovered, that any person in this country had assisted the rebels with arms, or warlike stores of any kind, or that they had been assisted by his subjects, in any part of his dominions, with money, or implements of war, &c. he could not pretend to say, how far such an assistance, or adherence, might be construed to come within the description of high treason, as laid down by the 25th Edw. the 3d. The committee was the proper place to come to the explanations so earnestly pressed by his learned friend; he should, therefore, be for the second reading of the Bill, and trust for the perfect formation of the Bill to that stage.

Mr. *Fox* said, that the present Bill served as a kind of key, or index, to the design that ministers had been some years manifestly forming, the objects of which they rendered visible from time to time, as opportunity served, as circumstances proved favourable, or as protection increased,

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and power strengthened. It resembled, he said, the first scene in the fifth act, when some important transaction, or circumstance, affecting the chief personages in the drama, comes to be revealed, and points directly to the *denouement*. This plan had been long visible, and however covertly hid, or artfully held back out of sight, was uniformly adopted, and steadily pursued: it was nothing less than robbing America of her franchises, as a previous step to the introduction of the same system of government into this country; and, in fine, of spreading arbitrary dominion over all the territories belonging to the British crown. He contended, that nothing but the most inevitable necessity could justify the present measure; such a concurrence of circumstances, as happened at the Revolution, when the people of England were compelled to embrace the alternative of submitting passively to the will of a base, perjured tyrant, or of trusting to the dangerous experiment of appointing a dictator to preside over them, in the person of the prince of Orange, till a new constitutional establishment could be formed, and legally recognised. This perilous state of things was but of short duration; it was running, to be sure, a great risk; but then, it was to preserve the liberty of this country from eternal destruction.—He dwelt a considerable time on the invaluable advantages derived from the Habeas Corpus Act, which he called the great palladium of the liberties of the subject; expressing at the same time, his astonishment, in the boldest and most animated terms, at the insolence and temerity of ministers, who could thus dare to snatch it from the people, by a mandate manufactured by themselves, though sanctioned by the sign manual; and not only attempt to deprive the object of their envy, resentment, or fears, of his liberty, but send him out of Great Britain, to the most distant and remote part of the British dominions. Who knows, said he, but the ministers, in the fullness of their malice, may take into their heads, that I have served on Long Island, under general Washington? What would it avail me, in such an event, to plead an *alibi;* to assure my old friends, that I was, during the whole of the autumn American campaign, in England; that I was never in America, nor on any other sea but between Dover and Calais; and that all my acts of piracy were committed on the mute creation? All this may be very true, says a minister, or a minister's understrapper, you are for the present suspected, that is sufficient. I know you are fond of Scotland; this is not the time for proofs; you may be, and very probably are innocent; what of that? this Bill cares not a fig whether you are guilty or innocent. I will send you, under this sign manual, to study the Erse language in the isle of Bute; and as soon as the operation of the Bill is spent, you will be at liberty to return whither you please; and then you may, if you like, call on your accusers, to prove their charges of treason in America, on the high seas, and of piracy; but they will laugh in your face, and tell you they never charged you, they only suspected you; and the act of parliament will serve as a complete plea in bar; it will answer a double end; it will be at once your redress and our justification.—O, but says the learned gentleman, it is not possible to tell how far constructive treason may extend; or whether it may not reach such as have aided and abetted the American rebels, by sending them arms and ammunition, by corresponding with them, &c. It is, it seems, lucky for me, that I have no connection in America; if I had, though they could not so decently suspect me of being on Long Island in August last, when they knew the contrary, they might say, that I held a treasonable or a piratical correspondence with them. Suppose for instance, an old school-fellow, or intimate companion, I should most probably have kept up a correspondence; and when writing to him, would have told him, "that Whigs, and those that were friends to the Revolution, were looked upon now as factious persons, for these are the times that large strides are taken, not only to destroy the liberties of America, but of this country likewise." Would not such a paragraph as this furnish a good ground for suspicion? But weakness, cruelty, suspicion, and credulity, are almost always inseparable; at least they are often found in the same company. Ministers are credulous in the extreme, because they are fearful; and they are fearful from a consciousness of their crimes. Suspicions, however ill founded, upon tales, however improbable, are received by them as facts not to be controverted; witness the information of Richardson against Sayre, some time since; and the recent affair of John the Painter, relative to the improbable story of his setting fire to the rope-house at Portsmouth. I am not surprised at any thing. The tone of the minister is

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become firm, loud, and decisive. He has already assured us, in this House, that he has nearly subdued America; and by what we are able to collect from this Bill, we may presume, he means to extend his conquests nearer home.

Lord *North.* I am extremely sorry to have the misfortune to be misquoted, or grossly misunderstood, by the hon. gentleman over the way. I never said that I had nearly subdued America, or that America was nearly subdued. What I said, and what I again repeat, was, that under God his Majesty's arms had met with many signal successes, and that I thought we were in a fair way of subduing America, not that we had nearly subdued it. The hon. gentleman who spoke last, and the learned gentleman who spoke early in the debate, seem to lay great stress on the improper power vested in the magistrate respecting the commitment under the sign manual. For my part, I see no new power vested in the magistrate; the warrant under the sign manual will be his authority: that warrant will be legalized by the present Bill: so that I think the magistrate will stand precisely as he did before. He could before commit to the common gaol; now he is obliged to commit, ministerially, to the place specially appointed for the reception of such offenders: so that, if any alteration be made in the power of commitment, as residing in the magistrate, it is by abridging, not in extending it. Before the passing the Act, he could commit to any prison; now he is bound specifically to obey the terms of the warrant. Before he could admit persons, charged on suspicion of treason, to bail; now, neither judge, nor any inferior magistrate, can, without order from the privy council, admit any person to bail so charged or suspected. The hon. gentleman charges his Majesty's servants with blind, ill-founded credulity, relative to the affair of Richardson and Sayre. For my part, I beg leave to think very differently on the subject. I should deem the secretary of state, who committed Sayre, extremely neglectful, if not criminal in his conduct, had he not attended to Richardson's information, and proceeded in the affair as he did. Gentlemen will, when they find a convenience in it, argue and decide on facts from events, and the doctrine of probabilities; but I will venture to contend, that many plots, which have come to maturity, and have been productive of the most fatal mischiefs, have been laid open in their infancy, and such early discoveries treated as matters unworthy of credit or attention. It is likewise certain, that conspiracies, equally important and consequential in their nature, have been defeated in their early stages, upon a discovery of circumstances and details much more trifling than those respecting the information of Richardson, or the suspicious conduct of John the Painter; for though the latter was apprehended for a burglary, I am still inclined to believe, that whatever his motives may have been, his conduct has fully justified the steps that have been taken towards a thorough discovery of this very mysterious affair. The opposers of this Bill seem extremely desirous to learn its intended duration. I mean to fill up the blank by the words the 31st of December next, or to the first day of the next session of parliament, which will answer precisely the same end; for in all probability the parliament will meet before Christmas; and if it should not be found necessary to continue it, the law will consequently cease.

Colonel *Barré* called upon administration to defend the principle of the Bill in that stage, and not send it to a committee by the mere power of numbers, unsupported by reason, justice, or policy. He said this Bill would completely accomplish what the other hasty, ill-advised, intemperate measures had begun, and in part effected. He was certain the present measure was the worst of all, and would be productive of massacre and retaliation, if not of more alarming consequences nearer home. America must be reclaimed, not conquered or subdued. Conciliation or concession are the only sure means of either gaining or retaining America. The conquest of that country is doubtful: though it were subdued, the holding of it without the affection and good-will of the natives, would be impossible. To make America valuable, and to insure its possession, was therefore only to be effected by the most lenient measures.

Governor *Johnstone* said, he would repeat what he had told administration a thousand times before; that America was not to be reclaimed, by the harsh decrees which originated within those walls; nor yet by the mere power of Great Britain. He said, the admiral and general sent to America were likely to effect more by their personal characters and amiable manners, than a thousand bloody edicts issued by that House. The Americans had the

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spirit of Britons: they might be led, but he was satisfied they would never submit to be driven. He then turned to the Bill, and foretold, that it would be productive of one or both of these consequences: it would raise a discontent, jealousy, and dislike of government at home, though none of the powers delegated by the Bill were ever meant to be exercised, or carried into execution; or it would widen the breach so much between Great Britain and her colonies, that it would be utterly impossible ever again to close it. The Bill was unnecessary, if it was not framed for latent purposes, which, while it was depending, it would not be prudent to avow, lest it should prove fatal to it; for if the Bill meant, what ostensively it imported, an apprehension and confinement, for offences suspected to have been committed, in America, it was to all intents and purposes nugatory and absurd; because the statute of treasons, as explained by the Attorney General, would answer every thing proposed by the Bill. If so, why then pass a Bill, which impowers the minister, or administration, to lay every person in the kingdom by the heels, when they may think proper?

The House then divided on the motion for the second reading of the Bill:

Tellers.

YEAS	Lord Cranborne - - / Sir Grey Cooper - -	195
NOES	Mr. Thomas Townshend / Mr. Pulteney - - -	43

So it was resolved in the affirmative.

Feb. 13. The House went into a committee on the Bill.

Sir *Grey Cooper* moved an amendment, to remove any ambiguity in the first enacting clause; though he observed, there was no occasion for such explanation, as it was obvious that the locality of the offence was sufficiently described by the words "America, high-seas, and piracy;" that the words, "said crimes, or either of them," could have no reference but to the several species of offence immediately preceding; and that the general power of committing, vested in the crown, and contained in the description, "his Majesty's dominions," was evidently referable to the offences stated in the preamble and clause itself, as well as in the title of the Bill; but however, to remove all doubt, the amendment was intended to confine the offence to America and the high seas, and the species of crime to treason and piracy.

Mr. *Feilde* saw no manner of service in the clause now offered: it left the matter just as it found it: it was not the place where the fact was committed, that rouzed the jealousy of the nation; it was the power of committing within the realm, at pleasure, on suspicion; and the other power of committing to any place, specially appointed, within the wide circuit of his Majesty's dominions. A possible abuse, or rather misconstruction of the clause, as it originally stood, might be made; but the powers of committing on suspicion, within the kingdom, and to whatever place the minister might think proper, were of such a nature in themselves, that if they were meant to be exercised, they would inevitably be productive of the greatest hardships. If, therefore, ministers were determined to carry the measure through, with all its imperfections, they would, after defining the offence, as respecting America, confine the operation of the Bill to that country, and introduce a distinct clause, which should suspend the Habeas Corpus Act in Great Britain and Ireland, for a limited time, which would fully answer every ostensible purpose of the Bill, as well as in its present form. He recommended strongly to administration to make a difference between persons taken in arms, and such as only submitted to the respective governments where they resided, and to the civil power and controul established by the means of an usurped authority.

Lord *North* strongly urged the necessity there was for strengthening government at this critical period. He said it would be impossible to carry on public business without delegating powers to the crown, on extraordinary, which would not be proper on ordinary occasions. Parliament were the best judges when and to whom to entrust such extraordinary powers. If the present was a time that called for such a confidence; and parliament were satisfied that the King's servants would not call for an improper power, or abuse any power, the possession of which might be deemed necessary for the public safety, then every argument on a possible abuse of the proposed law, must fall to the ground. On the other hand, if parliament should entertain any jealousy that the law would be wrested from its real intention, to purposes not avowed, or purposely concealed, then they would do well to withhold the powers desired by this Bill. For

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his part, he did not wish to press for any new power; the House must judge, and whichever way the House determined, he should cheerfully acquiesce in its judgment. The only material objection he heard offered against the Bill, was that now obviated by the amendment proposed. Whatever the learned gentleman who spoke last might think, the amendment, in his opinion, cleared up the ambiguity of the expression, so much complained of on the second reading. If the opposers of the Bill meant that it should retain any efficacy at all, they must now rest satisfied: for to talk of apprehending persons only upon legal proofs previously stated; or after apprehension only detaining them till they could be released by a writ of Habeas Corpus, was in fact not debating the clauses of the Bill, but controverting its very principle, the necessity, at this critical season, of strengthening the hands of government.

Mr. *Dempster* agreed that his lordship was perfectly right in one part of his argument, where he said, that those who opposed the Bill, though they seemed desirous to mend it, in fact disapproved of the principle on which it proceeded. He acknowledged the observation to be perfectly just, for though he wished the Bill were rendered less noxious; even if it were amended, he should give it a direct negative in the last stage. There was only one point in which he and the noble lord agreed, and that was, if the necessity were shewn, the propriety of suspending the Habeas Corpus Act would follow of course: no grounds for any such necessity having been stated, all arguments under any such pretext were at an end. He moved an amendment to the body of the Bill, limiting the objects of it, for the better protection of the inhabitants of Great Britain.

Lord *North* thought the amendment unnecessary; the inhabitants of Great Britain wanted no such security, they were not within the Act, and if any one was unjustly imprisoned, this Act would not protect the injury, the party would have his action, and the warrant, if a bad one, would derive no legality from this Act.

Mr. *Moysey* thought the objection might be removed without sacrificing the real object of the Act, otherwise he should not have supported it. To say the party had his action, was no reason for depriving him of the Habeas Corpus. Our forefathers had their action, before any of the Habeas Corpus Acts were passed, and they found it a very insufficient protection, and so they would again, if driven to that alone. If the amendment could not be received, he should vote for the Bill without it, which he thought a very necessary one, but he recommended to administration to adopt a provision of this sort themselves, before the Bill should pass.

Mr. *Henry Dundas* spoke warmly in favour of the Bill; and contended, if necessity was a good ground, that necessity most incontrovertibly existed at present. The hands of government called for every assistance in the power of parliament to delegate or create. It was absurd to express a confidence in the crown and its ministers, and yet mix with it the most childish fears, and worse-founded suspicions. To act thus, was to qualify the trust now sought in such a manner, as to render it totally inefficacious.

Mr. *T. Townshend* said, there should be a line drawn between the innocent and the guilty; the degree of probability attending the suspicion, the degree of guilt, concerning which that suspicion arose; and a mode of redress, in cases where the power granted by the Bill was manifestly or grossly abused: in short, it was, in his opinion, arming ministers with a power every way unprecedented and unknown to the constitution; dangerous in itself, and alarming to the last degree.

Mr. *Wallace* was in favour of the Bill, in its amended state. The whole arguments on the other side, supposed an abuse of the powers granted by the Bill; he had a right to suppose the very contrary; so that with him, and every person who thought as he did, every objection raised on such a supposed abuse could have no weight.

Mr. *Morton* confessed, that he did not see the Bill exactly in the same light with several of his learned brethren, for whose opinions he entertained the highest respect; for by a natural interpretation of the clause, it was apparent, that the whole Bill was manifestly at variance with the title and preamble. The Bill was to punish by due course of law, persons guilty of the crimes of high treason in America and the high seas; or more properly speaking, to impower the crown, on grounds of suspicion, to apprehend and commit such persons, as the preamble states, who have been or may be brought into this kingdom; yet the part of the Bill, where this power of apprehending and detaining is given,

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does not only give that power, but a general power to take up any person, no matter for what crime. It was absurd to say, that the locality of the crime was marked out by the Bill; for where was the redress provided? No where, that he could see, but by an application to the privy council, who were to be invested with the power of the courts of common law. But the mischief would be done, in the first instance, previous to any such application, and the Habeas Corpus Act would be in fact suspended, to all intents and purposes, within the realm, for crimes not pretended to have been committed within the realm. He was therefore clearly of opinion, that it was better to suspend the Habeas Corpus at once, by a clause to be inserted in the Bill; because, in that case, every man would know what he had to depend on, and every good subject would acquiesce in a power, civilly created, for the public benefit.

The *Solicitor General* said it was to the last degree absurd, to talk and reason as if we were at present in a state of perfect tranquillity, whereas nothing could be more opposite to such a desirable state of things.

Mr. Serjeant *Glynn* spoke against the Bill, as well as the amendment. He condemned the power given to the magistrates, who might exercise it to serve the most oppressive purposes. It might be employed by the ministers, to effect the most cruel acts of tyranny; and though the law might be open, and the magistrate might be convicted of false imprisonment, it could not probably be a farthing out of his own pocket; but on the contrary, it might put several hundred pounds into his pocket, all which would be ultimately drawn from the public purse.

The *Attorney General* said, one would be inclined to think that the gentlemen on the other side chose to forget the customary conduct, in times of public confusion. If they had not, they would have confessed, that it had been always usual to arm government with great discretionary powers *pro tempore*. If those powers should be abused, that would be a very proper subject for parliament hereafter to enquire into; but if parliament entertained no such suspicion, nor had no right to entertain any such suspicion, it was a most extraordinary mode of reasoning to argue against the use of the Bill, from the possible abuse of it. As to the operation of the Bill, within the kingdom, it was an objection totally new. If giving intelligence to an enemy was a species of treason, which several well authenticated cases in the books affirmed it was, it would indeed be very strange, if a person guilty of treason should escape punishment because he resided in the kingdom. On the contrary, if there were men in the kingdom answering any such description, that was one very principal motive, in his opinion, for passing the Bill.

The Committee divided upon the amendment proposed by Mr. Dempster; 125 against it, and 25 for it.

Feb. 14. The Sheriffs of London presented a Petition against the Bill; setting forth:

"That the petitioners have seen a Bill depending in the House, to empower his Majesty to secure and detain persons charged with, or suspected of, the crime of high treason, committed in North America, or on the high seas, or the crime of piracy; and that, if the said Bill should pass into a law, the petitioners are apprehensive it will create the greatest uneasiness in the minds of many of his Majesty's good subjects, and tend to excite the most alarming disturbances, all persons indiscriminately being liable, upon the ground of suspicion alone, without any oath made, and without convening the parties, or hearing what they can allege in their own justification, to be committed to a remote prison in any corner of the realm, there to remain without bail or mainprize; and that the Habeas Corpus, which is the great security of the liberties of the people, will be suspended; and that the petitioners are deeply affected with what they conceive will be the dangerous consequence of such a law, as, from little motives of resentment, and various other inducements, there may be persons competent to commit, who may be tempted to exercise that power in its utmost latitude and extent: and that measures so violent and unconstitutional, so subversive of the sacred and fundamental rights of the people, and subjecting them to the most cruel oppression and bondage, will, in the judgment of the petitioners, be introductive of every species of mischief and confusion, and thereby precipitate the impending ruin of this country: the petitioners therefore earnestly beseech the House, that the said Bill may not pass into a law; or at least to take such care as in their wisdom may seem meet, to prevent it from being

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extended, in its operation or construction, to any of his Majesty's subjects resident in these kingdoms."

On the order of the day for receiving the report of the Bill,

Mr. *Luttrell* rose, and spoke with great asperity against the Bill, and the framers of it; said it was not only arbitrary and ambiguous, but replete with danger to every individual in this country; and in its present form and extent directly contrary to the intentions avowed by the noble lord (North) and his coadjutors, when they brought it in. He said the more he heard it discussed, the more he was convinced of its importance to the public, and of the many unconstitutional designs and mischiefs couched under it.

Mr. Serj. *Glynn* spoke warmly against the Bill; and insisted, that if it passed in its present form, no man, however innocent, loyal, or virtuous, could say how long he should be out of a loathsome dungeon.

Mr. *Fox* was against receiving the report. He said no man was safe an instant, should the Bill pass into a law. It would arm the most profligate of the human species; and give them a power over the best men in the nation. No man would be safe under it, unless one could suppose that a country magistrate understood more law, and was more sagacious; or a trading justice had more honour and equity in him, than the chief justice of Chester, (Mr. Morton.) That gentleman was of opinion, that the Bill gave the powers now attributed to it; and if so, it was clear, the Bill meant something very different from what it was said to import.

Mr. *Powys* moved a clause, "That nothing therein contained shall be construed to be piracy, but what is committed on the high seas." This clause, if agreed to, he apprehended, would be the means of quieting the minds of a great number of innocent people, and of removing those terrors which must be suspended over their heads, should the Bill pass into a law. By an Act of George the 1st, it was enacted, that trading or corresponding with pirates, shall be adjudged felony, without benefit of clergy, according to the statutes of the 28th Hen. 8, c. 15, and the 11th and 12th Will. c. 7, so would bartering, dealing, furnishing them with stores, &c. Now, if before it was declared by this Bill, that the depredations committed by the Americans, on our trading vessels and our property at sea, was piracy; it should appear or be made a ground of suspicion or accusation, that persons in this country had actually corresponded with America, and that such correspondence should be deemed piracy within the statute, it would follow, that many of his Majesty's loyal subjects might, by construction of law, coupling both statutes, in such a manner as to give them the desired effect, be deemed pirates, and be liable to suffer the pains and penalties of death, as convicted pirate felons. He presumed that was not the intention of administration; nay, it could not be the intention, because they had so repeatedly disclaimed it; yet as nothing now remained to be proved, but that the present statute, having reference to that of George the 1st, was capable of such an explanation, it would be proper to guard against such a dangerous possibility. He therefore desired that the statute of the 8th of George the 1st, c. 24, might be read; by which it appeared, that the ground of jealousy was fairly stated, and the inference clearly made out.

Lord *North*, after affirming that no such construction of the law was ever meant to be made, acquiesced in the amendment, he said, to remove every object of jealousy that could be entertained on that head. The clause was accordingly agreed to.

Mr. *Powys* next observed, that by the Bill, in its present form, any man was liable to be apprehended, on suspicion of having committed high treason in America, though he had never been in America, nor perhaps out of his own parish. He said, this power of general commitment had a most dark and dangerous aspect. To clear up this point, he had a clause to offer, which would put matters on a proper footing; if ministers really meant what the title of the Bill imported, and what had been so often declared by the hon. gentleman who moved the amendment the preceding day, they could not decently refuse it. A person never out of England, could not be guilty of high treason committed in America. If not guilty of high treason in America, but perhaps in Great Britain, why not hold that language in the Bill; and add, 'or in Great Britain?' Besides, it would be preposterous to continue the Bill under the name of a Bill, to secure or detain, on suspicion, persons guilty of committing high treason in America, when, by construction of law, it was meant to include Great Britain. He therefore moved the following clause: "That no person shall be secured or detained, under, or by virtue of this Act, for

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high treason, or suspicion of high treason, unless such person shall be charged to have been locally resident in his Majesty's said colonies or plantations in North America, at the time he shall be charged with, or suspected of committing high treason."

Mr. *Cornwall* quoted several cases, in which persons had been charged with acts of treason, committed in one place, though it afterwards came out in proof that said treason had been committed in another. Such was the case of the publication of the imputed libel of the seven bishops, in the reign of James the 2nd. It was proved at the trial, that the petition was drawn up at Lambeth, in the county of Surry, at the archbishop's palace, and the publication was in the council-chamber or drawing-room, at St. James's, where the petition was presented. The offence was charged to have been committed in Surry, though, in fact, the publication, which could only constitute the offence, was committed in Middlesex. The exception was, therefore, taken by the bishop's counsel, as a ground of justification, that no such offence was committed; for that the writing the petition in itself, was an innocent act, that it was the publication that constituted the crime; and that, consequently, the defendants ought to be discharged. Yet, he said, the court were unanimous, that the writing the libel at Lambeth, and publishing it at St. James's, constituted effectively but one act, on which the plea was over-ruled. Mr. Cornwall dwelt, likewise, a considerable time, on the case of lord Preston, early in the reign of William the 3rd. There it appeared that treasonable papers and correspondence found on his lordship, were composed in London; that he was endeavouring to escape to France, but was taken aboard a smack, or fishing vessel, hired for the purpose, down near the Nore, on the coast of Kent; when the vessel being searched, the treasonable papers were found concealed, as his lordship had not time to destroy them. His lordship was indicted for an offence committed in Middlesex, though the publication, or discovery, was manifestly in Kent. A similar plea was offered, but it was overruled on the same ground; that the writing and publishing was all one act. In the present case, therefore, he contended, though the offence might have been committed here, by a person who had never been out of this kingdom, yet its operation in America, within the words of the Act, would constitute one complete offence. The fact might not be criminal, in the first instance, and become criminal afterwards, from its consequences, and yet, by a fair and justifiable construction of law, be deemed one complete act. He was of opinion, therefore, that the clause would destroy one of the main purposes of the Bill, and could never answer any purpose of protecting the innocent, though it might effectually serve the purpose of skreening the guilty.

The House divided on Mr. Powys's second clause; For it 14; Against it 49.

February 17. On the order for the third reading of the Bill for suspending the Habeas Corpus Act,

Mr. *Dunning* said, he had a clause to propose, which he trusted would appear of singular importance to the House; and which, he hoped, would meet with the approbation of a considerable majority. It was of infinite importance itself, but became still of greater, in the reception it was likely to meet with from a certain set of men, who on the present occasion thought fit to differ from their friends. The clause would, to borrow a phrase from a celebrated political writer, prove a test or trial of spirits, whereby the public at large, would be enabled to decide on the political principles of the learned gentleman who framed the Bill, and his other learned friend near him (the Attorney and Solicitor General.) It would besides shew, whether those gentlemen were serious, or whether the different conversations they held within these walls, for some days past, ought to be held in the light of the ingenious exercises of ingenious men, willing to shew their talents in the science of parliamentary controversy, the chief excellence of which consisted in a knack of giving words and phrases, any interpretation but their natural and obvious one. The clause he had to offer, would appear as matter of record, that would admit of no qualification whatever. It would bring the friends of the Bill to the bar; they must either leap over it, or flatly and directly refuse it. The professed father of the Bill (the Attorney General) had, as he conceived very properly, given it the title of a Bill for apprehending and committing persons charged with or suspected of committing high treason in America, or on the high seas, or of the crime of piracy. The preamble of the Bill spoke the same language, and

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such every body, both within and without doors, supposed the Bill to be intended, till it came to be examined, unless such as were in the secret. He had himself fallen into the same error; but when it came to be debated on the second reading, he was astonished to find the title of the Bill, and the preamble likewise, totally at variance with the first enacting clause; for it was manifest, that any man, though never in America, or on sea, might be imprisoned by the Bill, for suspicion of crimes, stated specifically to have been committed in America, and on sea; nay, more, that it might be in the power of the most ignorant or servile trading magistrate, to order a warrant to apprehend, and follow it immediately with another, to commit the person so apprehended to any place of confinement known or specially appointed within the wide circuit of his Majesty's dominions, in any one of the four quarters of the globe. He should not take up the time of the House, in giving a history of all the disputes and altercation on the amendments proposed or rejected in the course of the preceding week. The conduct of his learned friends was however curious. They did not directly deny the inferences now drawn, particularly towards the latter end; they dealt chiefly in general assertions; they explained what the law was before the present Bill was brought in, and insisted that the Act was intended to apply only to the punishment of certain specific offences; but the whole code of criminal jurisprudence was not to be broken through, merely to satisfy the doubts of speculative men, who argued upon possibilities, that never were in the contemplation of those who were convinced of the necessity of the present measure. Sweeteners were likewise added, to render the whole more palatable; the virtues of the sovereign, and the integrity of his servants, were balanced against such idle delusory fears, in order to still the apprehensions of those who might think the American war a very just and necessary war, and yet look upon the Bill to be a very bad Bill. Such, as well as he could recollect, was the obvious import of the Bill, and the general conduct of those who brought it in, and were intrusted with carrying it through the House. A great parade was made in the committee, of an amendment moved by an hon. gentleman, (sir Grey Cooper); but the Bill, as to the material point, that of contradicting the title and preamble, still remained the same. On the report, the language of administration seemed to be somewhat softened; but was so only in words. They said, generally, that both sides of the House meant the same thing; that they only differed about the means; and that, if the effectual operation of the Bill was secured, they were totally indifferent as to the mode. To bring them then to a test of their sincerity, he had framed a clause that would prove totally unobjectionable, if they meant what they pretended; if they did not, then a refusal on their part, would prove what he had all along suspected, but which he hoped to be mistaken in, that is, that the present Bill, under the popular pretext of punishing treason in America, was really designed to lodge a dictatorial power in the crown; which power, both in point of precedent and exercise, would enable ministers to effect schemes of the most pernicious and unconstitutional complexion; while in the first instance, it would annihilate, at least suspend, all the fundamental functions and legal powers of the constitution. He therefore moved the clause in the following words: "Provided also, and be it hereby declared, that nothing herein contained is intended, or shall be construed to extend, to the case of any other prisoner, or prisoners, than such as have been in some one of the colonies beforementioned, or on the high seas, at the time or times, of the offence or offences, wherewith he or they shall be charged."

Mr. *Cornwall* said, it was at no time the desire of administration to seek for unconstitutional powers; or if they should obtain them, to employ them to oppressive purposes. He contended strenuously, that the title and preamble of the Bill were not at variance with the first, or any other enacting clause. The whole Bill was meant to punish offences committed in America, or on the high seas. If by any criminal correspondence, or assistance from hence, it should reach people not locally resident in America, he presumed, the most zealous opposer of the Bill in that House, would not wish to defeat its operation. It was directed only against the guilty; and if an innocent person should suffer a temporary inconvenience, it must be on the ground of general good, which, since he ever heard any thing of government, he always understood to be a sufficient plea for desiring new and extraordinary powers. However, as the learned gentleman had expressed such a jealousy

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of the Bill in its present amended state, and such anxiety for the liberty of his fellow-subjects, which he seemed to think so much depended on the fate of the present clause, he should in turn put a test to the learned gentleman, in order to be convinced whether his intentions corresponded precisely with his declarations. He then moved, that the words "in some or one of the colonies, or on the high seas," be left out, and that there be inserted instead thereof, "out of the realm;" and that at the conclusion of the clause, as originally moved, there be added, "or of which they shall be suspected."

Mr. *Wilkes*. I cannot continue silent, while the fate of so important a Bill as the present is depending before this House. Administration at first brought in this Bill, in a form which gave a very general and just alarm, to the city, to the nation. If it had passed in that form, in my opinion the whole kingdom would have been put under an interdict of law. The personal liberty of every man in this island had been precarious and insecure, depending solely on the will of the minister. The spirit of the Bill, in its original state, was oppression and tyranny through every part of the empire. In this state the Bill has continued till this day. By the patriotic zeal of an hon. gentleman of the law (Mr. Dunning) a clause has just been offered, and adopted by way of rider, as it is called, in this stage of the Bill, which gives peace of mind and security, in some degree, to every subject resident in this kingdom. Persons under this description are at length declared not to be the objects of this Bill. I speak of the clause, Sir, even as pretended to be amended by an hon. gentleman on the Treasury-bench (Mr. Cornwall.) His words, however, Sir, "out of the realm," are too loose and ambiguous, by no means descriptive enough of the persons, who are declared by administration not designed to be the objects of the Bill. The Bill is professed to relate only to treasons committed in North America, by persons actually resident in that quarter of the globe. Gentlemen, however, on a tour of business to Ireland, or of pleasure to France or Flanders, or even on a fishing party on our own coasts, beyond low-water mark, are acknowledged to be "out of the realm," and may be brought within the Act, even as it now stands. An opening is still left for public or private revenge and oppression to operate. The expression, therefore, ought rather to have been, "out of Europe," than "out of the realm," if the former words, moved by my honourable friend, "in some or one of his Majesty's colonies before-mentioned, or on the high seas," were rejected. But why, Sir, are words so clear and explicit to be changed, unless for some dark purpose, which dares not be avowed?

This new clause, Sir, has happily narrowed the objects of the Bill, but in no degree narrowed the proofs, or the nature of the evidence necessary. I shall therefore give the Bill my hearty negative, for I will never consent to increase the enormous power of the crown, at the expence of the freedom of the subject. I will not arm ministers with an unconstitutional power, dangerous to the people. In the preamble to the Bill, it is said, "Many persons have been seized and taken, who are expressly charged or strongly suspected of such treasons and felonies, and many more such persons may be hereafter so seized and taken:" in the first enacting clause of the Bill, and throughout, the word "strongly" is omitted, and the slightest suspicion may warrant the commitment. The words are, "All and every person or persons, who have been or shall hereafter be seized or taken in the act of high treason, committed in any of his Majesty's colonies or plantations in America, or on the high seas, or in the act of piracy, or who are or shall be charged with, or suspected of, the crime of high treason, committed in any of the said colonies, or on the high seas." It is therefore apparent, that a mere pretended suspicion, or foolish credulity, or determined villainy, in a wretched, ignorant, mercenary tool of a ministerial magistrate, may still render the objects of this Bill, who are the inhabitants of above half the empire, liable to imprisonment, and imprisonment without bail or mainprize; for that cruelty was still determined to be exercised by the committee, notwithstanding the humane motion of my worthy colleague, to leave out those obnoxious words. There is not a syllable in the Bill of the degree of probability attending the suspicion. The Bill, greatly amended as it has been, does not even now require an oath, nor that the parties should be heard in their own justification, nor confronted with the witnesses, nor does it mention that two witnesses should be deemed necessary for the colourable ground of a commitment for so high a crime as treason in America, as is

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the law in other cases within the kingdom. Is it possible, Sir, to give more despotic powers to a bashaw of the Turkish empire? What security is left for the devoted objects of this Bill against the malice of a prejudiced individual, who, if he is prosecuted afterwards for so flagrant an abuse of power, will certainly be indemnified, probably rewarded, by a most arbitrary administration? Actions may indeed be brought against the offender, but we know all damages recovered, however great, are paid by the people, not by the party. Even in the case of petit treason, by an express Act of Edward 6, no person can be convicted, but on the oath of two sufficient and lawful witnesses, or confession, willingly without violence. So careful, Sir, were our wise ancestors of protecting the liberty of the meanest subject.

This case, Sir, demands our strictest attention and vigilance from what we daily experience of the conduct of those underling officers of every minister, who traffic and deal out justice, under the colour of legal magistracy. There is now, Sir, actually in Newgate, an American merchant, named Ebenezer Smith Plat, who stands committed so lately as the 23d of last January, charged with high treason at Savannah in the colony of Georgia in North America. He is committed by the well-known justice Addington, and, as I am informed, was not allowed to see any of the witnesses against him, nor even to hear their affidavits read. He had before been tried on the same charge, at Kingston in Jamaica, and acquitted. I never saw him, but I have read an attested copy of the warrant of his commitment. He is charged generally with high treason, which I take to be an illegal commitment. I do not pretend, Sir, to a deep knowledge of the law. I have only the attentive reading of a private gentleman. I build my legal faith on some known and approved authorities, a Blackstone, a Burn, and a very few others. Those authors agree, that every warrant of commitment ought to set forth the cause specially, that is to say, not for treason or felony in general, but for treason in compassing the death of the king, or levying war against his majesty in the realm, or counterfeiting the king's coin; or felony, for stealing the goods of such a one to such a value, and the like. A court may then judge, whether the offence is such, for which a prisoner ought to be admitted to bail. If then a justice, living in the capital, under the immediate eye and direction of ministers, is guilty of such an illegal commitment, what is not to be dreaded from the base engines of power, in the more remote counties? Is it possible, Sir, for too great caution to be used, by enforcing in the body of a Bill, which is to suspend the Habeas Corpus Act, the necessity of an oath of two witnesses to the charge, and of their being confronted with the prisoner?

The case of Plat, Sir, gives us an instance of another violation of the law, an evasion of the Habeas Corpus Act, that holy statute, which ministers hold in abhorrence, and are allowed in England to evade with impunity, in America to suspend for very near a twelvemonth. The history of it is this: Plat was first confined to the Antelope for three months, then removed to the Boreas for four weeks, then carried on board the Pallas, and in her brought in irons to England. On her arrival at Portsmouth he was removed on board the Centaur for three weeks, then to the Barfleur. On the 4th of January, an Habeas Corpus was obtained, directed to the captain of the Barfleur; but before it could be served, an express was sent from the Treasury, by their solicitor, and Plat was removed again to the Centaur, before the Habeas Corpus could arrive at Portsmouth. The return to the Habeas Corpus was thus eluded, but on his friends' being determined to sue out another, Plat was at last sent to the capital, and in the illegal mode, which I have stated, was committed to Newgate. I speak, Sir, in the hearing of many gentlemen, who ought to contradict me, if I have advanced a single circumstance not founded in truth. Can ministers, Sir, who are capable of thus trampling on our most sacred laws, be too narrowly watched, too deeply suspected, too strongly guarded against? Do we not owe it to the people to demand every security from the sanction of an oath, the number of witnesses, the confronting of them with the prisoner, the hearing him in his own justification, and other circumstances, of which not the least trace is to be found in this criminal, arbitrary Bill? Is the personal liberty of the subject to rest on the mere pretended suspicion of a man, who acts under orders of a professed ministerial agent, ever ready to make his court to power by the sacrifice of public virtue and innocence, whose incapacity perhaps can only be equalled by his meanness, and sordid lust of gain?

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I regret, Sir, the indecent rage, the extravagant madness, with which every measure, and in particular the Bill in question, has been carried on against the Americans. It precludes every possibility of a reconciliation, so ardently to be wished. Let us advert, Sir, for a moment to the difference of two cases in point, the suspicion only of high treason in America, and the actual charge of it here. A man only suspected of high treason in America, for instance, the giving aid or assistance to the Congress, or to any of the King's enemies, on coming over to England may be committed to prison, and by this Bill continue there without bail or mainprize, or being able to bring on his trial, for near a year, till Jan. 1, 1778, to which time this Bill is to continue in force. In this kingdom a man suspected, or even actually charged with high treason in conspiring the death of the king, or levying war in the realm, may have a Habeas Corpus, and be bailed by the court of King's-bench. The suspicion therefore of American treason seems a deeper crime, in the judgment of our present ministers, than an overt act of English, or more properly Scottish, treason and rebellion against his Majesty's person, title, crown, or dignity. I suppose it is thought, Sir, a deeper crime, because it is more grievously punished. Do we imagine the Americans will not retaliate, or do we vainly hope to intimidate them? Their cause is good, and after all the idle tales of our late visionary successes, the justice of it must in the end prevail. They are nobly struggling under the sharpest sufferings, but I trust they have zeal and perseverance. In all events the first moment of a foreign war necessarily obliges us to withdraw our fleets and armies, and every part of North America must then be free and independent. This Bill will probably be answered by a spirited resolution of the Congress. Would to God, Sir, our parliament equalled that Congress of heroes in wisdom, in love of their country, in uncorruptedness, in public virtue!

The second enacting clause of the Bill, Sir, empowers "his Majesty, by warrant under his sign manual, to appoint one or more places of confinement, within the realm, for the custody of such prisoners, and all and every magistrate or magistrates, having competent authority in that behalf, are hereby authorized to commit such persons as aforesaid to such place or places of confinement, so to be appointed, instead of the common gaol." This clause may operate, Sir, in a manner more to be dreaded than any banishment, or confinement out of the realm, and a power, which may be grossly abused, ought not to be trusted to any man. A person only suspected, or pretended to be so, may be doomed to the dampest, most noxious dungeon, on the most swampy coast. He may be stifled in a vault, in whose foul mouth no healthsome air breathes. I, Sir, perhaps may at last be suspected, and possibly it will not be a slight suspicion. I have formerly experienced an illegal, close, and rigorous imprisonment, but by this Bill I may be sent to the barbarous highlands of Scotland, or among the savages in the dreary isle of Bute, from whose bourn I am sure I should never return, even as a traveller, much less as a prisoner. Is it ingeniously meant, Sir, as a new mode of repeopling that ancient kingdom?

Much has been said, Sir, both in the committee and in the House, about a dictator, and his extensive powers. Many periods of the Roman history have been retailed out to us minutely enough. Comparisons between that virtuous republic, and this corrupt monarchy, are generally more brilliant than solid, more beautiful than just. A right hon. gentleman, (Mr. Conway) under the gallery, has observed that our glorious deliverer, king William the third, was a dictator here after the suspension of the Habeas Corpus Act in his reign. Should the present Bill for the suspension of that Act, pass into a law, I shall regard the noble lord with the blue ribbon as the modern dictator of this great empire, as possessed of the most ample and despotic powers. The first act of business in an ancient dictator, I remember, was to make his coadjutor in office, his *magister equitum*, his general of horse. If public gratitude has any weight with him, I am sure for such an office he will turn his eyes to the noble lord, (George Germain) now so near him, who, to his immortal honour, with great and invincible courage, advanced and charged the enemies of our country at the head of the British horse. In one particular respecting the dictator of ancient times, I beg to set right a very high law-officer (the Attorney General) among us. All the Roman magistrates were not, as he says, superseded by that creation. The tribunes of the people, but they alone, preserved their authority, even under a dictator.

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It has been said, Sir, by another gentleman, who is likewise in a great law-office (the Solicitor General), that in this *House* a discontented party had ridiculously given into a tone of prophecy, which has never been accomplished, and that particularly about a year ago it was the case of the right hon. gentleman who spoke lately under the gallery. It is not, I believe, very parliamentary to quote words spoken in a former debate: but if that member's memory goes to a prophecy of one year, which has not been fulfilled, he will permit mine a fair excursion to another prophecy of that very member's, six years ago, which has been exactly verified. His prophecy in this House was, that if the same violent measures against the Americans were persisted in, the colonies, which formed so great a strength to this kingdom in the reign of George 2, would be dissevered from the British empire in the reign of George 3. No prophecy, Sir, ever received a more perfect accomplishment. He wonderfully possesses the second sight of his native country. How deeply criminal he and others have been in the bringing this prophecy to pass, I hope this House will one day enquire. A very extraordinary observation of the same gentleman in the present debate, amid a variety of heterogeneous matter, it is impossible for me not to mention. He has laughed at universal benevolence, and endeavoured to demonstrate the impossibility of its existence. But, Sir, he has only given us the narrow, contracted, selfish ideas of his own heart, and his own country. His sentiments and his feelings are confined to a very small insignificant circle indeed. They are merely clannish and Scottish. His remarks I saw excited a general indignation among us. An Englishman has ideas infinitely more liberal and enlarged. His heart expands itself, and takes in the general good and prosperity of all mankind. It feels not the rancour, and disdains the injustice of such a cruel persecuting Bill, as that now before us, but forms the warmest wishes for the liberty and happiness of every individual of this late flourishing empire. Universal benevolence, and a generous spirit of humanity, have been no less the characteristics of the inhabitants of the southern parts of this island, than that good-nature, for which foreigners have not even a name. I will only add, Sir, that I think the most beautiful sentence of all antiquity is that, which was received with such applause by the generous and free Roman people, and an English senate I am sure will adopt against every measure of oppression and cruelty, "Homo sum, humani nihil à me alienum puto."

Mr. *Rigby* said, he sincerely wished for the general suspension of the Habeas Corpus Act, which, in his opinion, was necessary to be extended to Great Britain, and that too as fully as in 1745. At the latter period, the rebels in this country avowed their principles; they appeared in arms, and conducted themselves as honest, though mistaken men. Now, the secret enemies of government conducted themselves in a different manner. They gave their assistance covertly. They feared the open day, and skulked behind quibbles in law, and all the insidious arts of concealed faction and sedition. He observed, that it had been frequently objected to the present administration, by the gentlemen in opposition, that they had not employed a force against America sufficiently powerful; at other times that they had put the nation to an unnecessary expence. What attention such men deserved, might be easily gathered from this wavering disposition. He trusted that administration would not give way on the present occasion. He did not think that the Bill wanted any amendment, and he should be sorry to see his friends assent to any proposition coming from that quarter, because he could never discover any one principle of action in the supporters of the present clause, but that of a fixed indiscriminate opposition, right or wrong, to every measure proposed by the King's servants.

Mr. *Fox*, after reprobating the principle of the Bill, and declaring that he thought if even the clause were agreed to, as first moved, he should be called on to give the Bill a most hearty negative; said he must desire to draw the attention of the House, to the conduct of the court of France, respecting our disputes with America. He affirmed, from his own knowledge, that we were on the eve of a war with France, immediately preceding the meeting of the present session, in the month of October. He was of opinion, that administration were extremely negligent, in respect of home-security and national defence, particularly in not calling out and embodying the militia, when it was well known in what a defenceless state we were at the time; and still he was sorry to say, continued to be. At present the disposition of France, he allowed, was much changed.

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The courts of Versailles and Madrid, whatever their latent or remote intentions may be, take care to carefully conceal one, or have prudently postponed the other, which was the most probable supposition, till they were sufficiently prepared to strike a decisive, perhaps a fatal blow, which was certainly not the case at present. Their peaceable demeanor, their promises and appearances, were most assuredly the consequence of necessity, not choice. The disposition of the French nation in general; the sentiments of such as turned their thoughts to foreign politics, respecting the civil war in America, bear testimony, how much they engrossed, what they look upon, as a matter that promises to be extremely favourable to their interests, in the final event. He had other proofs, which shewed the conclusion now made, in a much more clear manner; that was the disposition of the French cabinet, which daily manifested itself in a variety of circumstances. He did not mean to enter into details: but the facts he was about to mention, were important, and such, too, as would not leave a doubt of their apparent tendency; that was the conduct of the French ministry to two of the members of the American Congress, now resident at Paris, Dr. Franklin and Mr. Silas Deane. He was warranted in affirming, from his own knowledge, that they both appeared publicly at Paris and Versailles; they were known to hold conferences with the king's ministers, to treat and negociate with them, and to be received by them substantially on the same footing, as if the representatives of any independent power in Christendom. The correspondence held between them, was of the same nature, with that usually carried on between two powers, where one of them seeks for assistance, and the other, from motives of policy, listens, deliberates, and determines, upon the propriety or impropriety of adopting the schemes, or entering into the measures of the power, which thus applies for succour. Sometimes Franklin and Deane received greater encouragement, at other times less, according to the tone of the court, and the prevailing sentiments, and opinions at the time. But however these might vary, one important truth might be gathered from the whole, that France was secretly hostile to Great Britain; that she publicly or privately received, treated, and negotiated with the members of the American Congress, or with persons authorised and deputed for them. He next attacked what he called the shameful, disgraceful, and improbable falshoods that the only paper, published by authority in this country, is filled with, upon every occasion, given in the accounts received from America. He said, he had been in company, at Paris, with an American lately arrived in that capital, who informed him that our London Gazette gave long details, from time to time, of successes gained by our troops, which never had any existence but on paper. He assured him in particular, that the lists of the killed, wounded, and prisoners, since the commencement of the campaign, amounted to nearly as many as the Congress had enlisted, mustered, or arrayed; but as the nation were to have something in return for the blood and treasure so shamefully lavished on our side, something to balance against new debts, accompanied with new taxes, he could not say but he much approved of the device, as he was infinitely better pleased to see men killed upon paper, than be convinced that they fell in battle. He then took a general view of the situation of affairs in America, the state of the respective armies, their number, &c. and contended, from the present appearance of affairs in that country, we were no nearer conquering America now, than we were three years ago. If it could ever be effected, he was satisfied it would be the work of time, perhaps of many campaigns. Though France had altered her intention of taking an early and decided part, and would not venture to break with us, till her navy should be put upon a respectable footing, yet a peace resting on so precarious a foundation, was in fact no peace, and was more hurtful, in its remote consequences, than war actually declared. The Dutch were nearly twenty years struggling against their tyrannic oppressors, before they procured any assistance from foreign states; our strength would be therefore gradually decreasing, and we might probably find ourselves engaged in a bloody and expensive war, when we least expected it, and were least prepared for it.

Mr. *Dunning* said, he should give one proof of his sincerity, by agreeing with the amendment moved by Mr. Cornwall, though he was far from approving of it entirely; yet it was better than nothing; and though the general expression, "out of the realm," might be interpreted in such a manner as just to mean what mi-

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nisters pleased, he was glad to have the extreme rigour of the clause qualified in any manner.

Mr. *Wilmot* lamented the present horrid situation of America; said, he thought this war might have been prevented on the outset, and hoped might still be put an end to, without any derogation of the honour, dignity, or even interest of Great Britain: but that whatever were the causes, the sword was now drawn by America, and therefore, whilst that sword remained unsheathed, he sincerely wished success to his own country, though he could not think it free from error. That he felt upon the occasion as he should do if a dagger was held to his father's breast; that in that moment he should forget his parent's blame, defend him from its attack, and reflect only on the greater blame of the person who held it. That the situation we are in towards America could not have been foreseen, and therefore no provision was made for it by the laws at present in force. That this Bill answered the purpose, and being freed from the objection to it, had his hearty concurrence.

The *Attorney General* observed, that he had been described as the framer of the Bill, with some little assistance however from his friend near him; and, on that ground, made responsible for its contents. Be that as it may, he still retained his former opinion; he never had a second on the subject. He was aware of the great talents and professional knowledge of his learned friend who moved the clause, and who had entertained the House so ably on the supposed contradiction between the title and the Bill itself. With all his industry and attention, both of which in the present case he was by no means sparing of, he could not discover any such contradiction. The Bill was meant to punish, or prevent crimes committed in America or on the high seas. Does the Bill hold a different language? Is it because a person is not personally present in either of the places described, that he may not be guilty of treason? Certainly not. If that was the case, no accomplice in treason, who was now in open arms, or concerned in the scene then passing, could be brought to punishment. He begged leave to repeat what he had given so frequently as his opinion since the introduction of the Bill into the House, that it was formed on the purest principles of constitutional law; that he was convinced it would stand the test of time and observation; and that if it was defective in any respect, it was because it did not go far enough. He then quoted several instances, in which the suspension of the Habeas Corpus Act had taken place; and referred to the celebrated case of sir William Wyndham, who was denied the benefit of the Habeas Corpus Act on bare suspicion; and after solemn argument in the court of King's-bench, the judges were unanimously of opinion, that he should be remanded to the Tower; and that the ground of commitment was good. He contended, that the idea was a legal and constitutional one; and that the claim to exercise it, on the present occasion, was sound law, and perfectly consonant to the principles of the constitution. He added, that it had been a prevailing custom, since the introduction of the present measure into the House, to blend in every debate and conversation which arose on it, personal allusions, personal charges, and certain political doctrines, little connected with the subject matter. Whatever portion of them were intended for him, he was totally indifferent about. He was conscious of his own motives. He flattered himself, he had always acted an uniform, consistent part. He was determined to pursue the same line of conduct to the end: and on the whole, he did not think it a very fair mode of procedure, to discredit a measure merely on personal considerations, applying, or supposed to apply to some of those who most warmly supported it.

Mr. *Dunning* observed, that he must be very ignorant indeed of the laws and constitution of this country, and of the real purport of the Bill, who could resort to personal allusions, to the framers of it, instead of drawing arguments against it from the Bill itself. No man questioned the personal integrity, uniformity of conduct, or immaculate intentions of its friends. It was the Bill, the uses that might be made of it, the unprecedented powers it delegated, without a single proof, or colour of proof, of the necessity of such a delegation, that called forth his opposition. He applauded the learned gentleman's firmness; he had a very high opinion of his professional knowledge; yet however firm and knowing he was, there was still some of his friends, who thought the Bill went too far; the very amendment made to the clause now offered, was the clearest testimony that there existed such a description of men among his friends; and

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the sentiments of a great lawyer (Mr. Morton) in the committee, proved, that there were, even among his learned brethren, some odd kind of men, who differed from him, independent of any personal allusion to his integrity, uniformity of conduct, or political principles.

The *Attorney General* said he intended no particular application of what had fallen from him. That his friends or adversaries might think as they pleased; every man was free to think for himself; of course he was at liberty to hold his first opinion, and to avow it, which was, that the Bill was necessary, and that it was unobjectionable in its first formation, as well as amended state.

Mr. *Temple Luttrell* thought the Bill extremely necessary at this time, and its operations in this kingdom and Ireland much wanted. He informed the House, that a ship, loaded with fire-arms, and warlike stores, and ammunition of all kinds, intended for America, was seized in the port of Dublin. The merchants who were the owners of the stores, and the actors in this treasonable transaction, were apprehended, and yet, for want of a law of this kind, the traitors were bailed, and permitted to escape with impunity. He wished sincerely, if they had not escaped beyond the reach of justice, that this Bill might take cognizance of their crimes, and that they might meet that exemplary and condign punishment which they manifestly merited.

Mr. *James Luttrell* replied, that strong facts made easy to the humblest comprehension, taught him to differ so widely in opinion from his honourable relation, and made him feel such contrary sentiments to those which that hon. member had expressed, that he was necessitated to persevere in voting in opposition to him. That there is an act of parliament to prevent the shipping of warlike stores to America; that if the law is not clear in pointing out the means of punishing such offenders, it may be necessary to make one for that purpose: but that there is great difference between making laws to punish the guilty, and breaking laws, which our excellent constitution has provided for the protection of the innocent. That if the proposed clause was agreed to by the noble lord (North) it would reprieve the liberty of the subject on this side the Atlantic, and perhaps check, for a while, the arbitrary spirit of those who wished the Bill to pass without the clause. But that as he could conceive no state of perfection in a Bill of that despotic nature to recommend it to the representatives of the people, he should not enter into refinements of the law, nor cavil upon words, but object to the whole of the Bill, as an iniquitous and daring attack upon the palladium of English liberty; and observed that if this was the first-fruits of victories in America, we must expect to recover our colonies, at the expence of Magna Charta. He proceeded to observe, that after the very strong censure passed by a right hon. gentleman (Mr. Rigby) on the members of opposition, who had contended for the constitutional freedom of the subject in every part of the British empire; he must consider such declamation as meant to open an extensive field of American debate, and therefore thought it his duty to say a few words in behalf of an injured people, whom he conceived never yet to have had it in their power to return to their allegiance without either submitting themselves to vassalage, or being condemned to death. He then entered into the origin and pursuit of the war, as the great object of parliamentary consideration. Praised the valour of the British forces and their leaders, but lamented that the House continued to meet for little else than to frame bills of hatred, instead of restoring laws which were for the mutual advantage of Great Britain and America. That he had often thought the loss of empire would not be more disgraceful to British subjects, than the loss of freedom; but that he neither wished to establish a republican, nor an arbitrary system of government. The question of the times he comprehended to imply; whether it can possibly be for the advantage of America to relieve her from one species of calamity, only to subject her to another? And whether it is wise in us to rejoice at an increase of power to tyrannize, when it sets a dangerous precedent to bring home to ourselves the same military enforcement, of ministerial injustice, as that which marks the despotic principles, the rise, and progress, of the whole American war. That he certainly should not rejoice at any victory, till government prove they mean to end the war with more justice than they began it. He then proceeded as follows:

If I were to join in claiming a right of taxation over the Americans, consistently with those Acts which occasioned the civil war, it is plain to every capacity that it must be unlimited, and unconditional; for

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certain it is, that government taxed the Americans without their consent, at a time when there was no desperate plea of necessity which threatened the safety of this kingdom; let it be remembered that we were then highly respected abroad, rich in commerce and prosperity at home, with every advantage of profound peace. The exercise of unlimited taxation may mark this for a house of American delegates, by American pensions, but that people can only continue to elect their own legal representatives, to record a lost constitution. Nor could I conceive that our liberties were not endangered, when so desperate an attempt was formed, to break the spirit of a people like ourselves, who would not tamely submit to be treated as inferior subjects, in point of constitutional representatives, and the blessings of limited monarchy. It is a maxim stated by a noble and distinguished political writer (lord Bolingbroke) that "whatever be the fate of particular persons, houses, or families, the liberty of the subject should be immortal." But we have seen three millions of subjects condemned unheard, and the faith of their nation broke, in order to support the powerful faction of a few great families placed near the throne; themselves exclaiming in both Houses of Parliament, to have recourse to arms, to justify such proceedings, as they were conscious must be condemned, by every possible idea of civil right, which constitutes us a free people.

The Americans driven and necessitated to resist such arbitrary power, might well forget the respect which we are pleased to suppose was due to the mother country; when instead of considering their addresses to the crown, you proceeded to destroy their trade, laid waste their country, and totally abdicated that government, there surely remained little reason to justify such conduct, whether the Americans should declare themselves independent or only unsubdued. I have always thought it expedient for government to treat with the Congress, because it is easier to explain differences to a dozen of people, than to three millions. Considering them as messengers from a vast body of subjects, I think they should be treated with, listened to, and answered; neither could the employing of them as peace-makers, upon constitutional principles, be establishing their authority to rule over their fellow-subjects; or possibly confine the injuries done to all Americans, merely to the person of the Congress; therefore their virtues or their vices I neither praise nor censure; for I contend that the arbitrary maxims adopted, and obstinately persisted in by government, was the sole origin of the civil war, and to this day prevents the re-establishment of peace. I am very far from attributing so general a revolt to the ingenious abilities of a few very private gentlemen. Restore upon a solid basis the faith of this nation towards the inhabitants of that great continent; give up such measures as are only consistent with narrow minds, court-juntos, and despotic principles; desist from persecutions which had lighted up a spirit of resentment sufficient to warm the hearts of three millions of subjects, the Congress would then soon sink into their original station of private citizens.

I judge the ministers to be dangerous servants to the state, not only by their repeated arbitrary declarations, but by strong facts which have arisen out of their own conduct, and which they dare the subject to counteract. The war is theirs, and the peace is to be theirs. We have charters to defend our liberties, and so once had the Americans; and there is more to be apprehended from such ministers, when in prosperity, than adversity. Therefore it is our duty to look to the use that will be made of the boasted victories, before we are in love with the sound of them. I look upon legions of conquerors, and legions of tax-gatherers, in a very different light, the former they wisely hold up for our admiration, but the latter suits their views, their principles, and determinations. To be separated for ever from America, endangers our liberties and the happiness of every individual in this kingdom, much less than giving to the crown the rights and free privileges of subjects, who must become more numerous than ourselves. I therefore contend, that the attempts of government to claim a right of oppressing the subject, situated however distant from the capital, or varnished over with any pretence whatsoever, ought to be opposed for the good of the whole empire. For there can be no natural divisions, no slavish distinctions constituted amongst us, without its ending in destroying the freedom of the whole. The same motives which might induce a king to side with us to enslave and oppress the Americans, may find a king to watch their growing strength, and then side with that people to reduce us to an ignominious level with

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themselves. Had the friends of liberty been fewer in numbers and strength, than those bred up in Popery and Tory principles, during the reign of James the 2nd, that monarch had been absolute. It was an injured people firmly bound together that shewed strength sufficient to drive that tyrant from the throne, and secured to us those rights of mankind which adds dignity to human nature; under which the whole empire flourished; and till we are a divided people all kings will look upon our liberties with jealousy, but not with contempt. The shadow of a pretence was at last thrown out, that terms of peace had been offered (by lord Howe's proclamation) upon constitutional principles, but when the motion made by a noble lord (J. Cavendish) to ascertain the fact, was taken into parliamentary consideration, the mask of state hypocrisy was thrown off, and the Tory features of government's instruction to the commissioners fully exposed. The pretended delicacy of treating with the Congress, was equally an imposition upon men's understanding; for there are no proper persons to treat with, when you have nothing to offer! And surely if bribing a few, and condemning the rest to vassalage, upon pain of death, can be construed constitutional terms of peace, they were extracted from the Hessian, not the English laws.

I own, Sir, I feel for the Americans; if our boasted force of arms can drive them to look up to those ministers for mercy and redress, who have plundered and betrayed them, and whose first proof of integrity consists in declaring, they will not bind themselves to do one act of justice towards that country. Such, fairly stated, is implied by unconditional submission; terms not only unworthy the injured Americans to listen to, but such as ought to strike every Englishman with indignation; to hear a language held for our gracious sovereign, more becoming some conquering tyrant and usurper, than the father of his people, and the sworn assertor of the laws. I must observe, that the new titles and favours bestowed on the supporters of this war, are not marks to discern the well-wishers towards America; neither can much clemency and protection be expected from those members who have been most expert at teaching us that pleasantry is preferable to humanity; that loyalty consists in risking the loss of half an empire, by acts of violence and oppression; or have distinguished themselves by jesting over scenes, which from their horrors and injustice, even the savage Indian may have shed a tear upon. Such men and such measures I have opposed, and trust that I have stated sufficient grounds of justification, for the strongest opposition to a war, which evidently appears to have for its principal object, arbitrary power, supported by private avarice, and ambition; not public spirit, I may add not loyalty; for though the language of tyranny may flatter the passions of a monarch, and gain some earldoms and some contracts, yet, Sir, the loyal language of a Briton to his sovereign ought to consist in the welfare and affections of his subjects, which cannot be separated from his views, without making life a burthen to himself as well as to them.

I shall always wish to address myself with proper respect towards every member here; conscious that were the same individuals assembled in any other house, than a house of parliament, no man would take his station amongst them with more humility than I would; but in this public cause, when the unjust massacre of thousands of fellow subjects, whose lives ought to have been held as sacred as our own, calls aloud for redress; and when the result of our unrelenting councils may be graven on the tombs of thousands more, it is a time to speak a plain and determined language; therefore if I should deviate a little from etiquette, I flatter myself the importance of the object will plead my excuse; that object is peace and commerce with America, which cannot be obtained by unconditional submission, nor by these detestable repeated acts of violence, hatred and oppression, but rather by dropping the point of the bloody sword, until America shall refuse the olive branch, placed on a constitutional code of laws, such as is neither unworthy the Americans to live under, nor of Great Britain to offer.

Mr. Serjeant *Adair* condemned the principle of the Bill, and congratulated the learned gentleman who moved the clause, on having caused the difference of opinion among the crown lawyers to be made manifest, the mask to be drawn aside, and the intentions of the framers of the Bill to be exposed in all their naked deformity.

Mr. *T. Townshend* said, it was no wonder that gentlemen should be staggered when the crown lawyers were known to have differed so materially in opinion. Men not bred to the profession of the law,

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ought to consider seriously what they were about to do; when the very learned gentleman (Mr. Morton) who came with the best dispositions to support the measure, stopped short, and refused to go the length that other gentlemen, perhaps not less learned, but more sanguine, were willing to do. In such a diversity of opinion, he hoped the House would again consider the very unprecedented powers meant to be lodged in the hands of the crown; and if they should think the principle of the Bill necessary to be supported, that they would agree to the clause offered by his learned friend, at least to the amendment proposed by the hon. gentleman on the Treasury bench.

Mr. *Vyner*, when he considered the great importance of the question, could not content himself with giving a silent vote; he should, therefore, declare his entire approbation of the clause offered by Mr. Dunning. He was yet to learn on what plausible ground administration could refuse the clause, much less the amendment.

Lord *North* rose to exculpate administration from having an intention of introducing any unconstitutional precedents, or of desiring any powers to be entrusted either to the crown or them, which could be employed to oppressive or bad purposes. He assured the House, that he had received no account of any foreign state having assisted America with arms, or any kind of naval or military stores. He believed the contrary to be the case, and must have heard if they had. Probably enough, the French and Dutch merchants, as objects of commercial profit, may have supplied the colonies, and been guilty of this species of prohibited commerce; but he imagined, he might say with certainty, that no traffic of this kind had been carried on under the sanction of either of the powers mentioned, or indeed by any other. He observed, that great objections had been made to the powers now intended to be delegated. He was sorry that such a jealousy should be entertained at any side of the House. He was certain that they fell considerably short of those granted on similar occasions; at all events, he imagined that the clause, as offered to be amended by his hon. friend near him, would completely remove every solid ground of objection.

Mr. *Adam* coincided intirely in opinion with the Attorney General, that the clause was not wanting, and that even without it, the Bill did not go far enough; that the present critical state of affairs rendered it necessary, that the most ample powers should be vested in the crown, in order to crush the unnatural and unprovoked rebellion now raging in America. He contended, that the powers now sought, should have been applied for much earlier, and affirmed, if they had, that the war we were now unhappily waging, with our own subjects, would have been long since extinguished. Indecisive measures, indecisively executed, were the leading characteristics of the present administration, at least, of some, who had influence enough, to counteract such as were firm and decisive; and he could not help observing and lamenting, that a greater curse could not befal a country, than fluctuating and divided councils. Divided as we were in cabinet and parliament, it was natural to expect that we must feel the fatal effects of such divisions, in the field, and every intermediate step that led to it.

General *Conway* said, that administration had not only gone far enough, but beyond far enough; they had not only been decisive, but he feared much too decisive. It was impossible for them to be more obstinate and unrelenting than they had already proved themselves to be; or to resort to harsher means than they had all along steadily pursued. The whole train of measures, from the commencement, was a succession of acts, all seeming to tend to one favourite object, that of driving America to despair; and from acts committed under the force of that despair, to gradually compel them from dutiful remonstrance to factious resolves, from these to the cruel necessity of taking up arms to defend their natural, chartered, and constitutional rights, and at length, in the height of political rage and desperation, to throw off and dissolve all bands of legal government, by leaving them no other alternative but rank slavery or independency. Those means of recovering America having hitherto proved unsuccessful, he was astonished that we still continued to adhere to them. He affirmed, that we were no nearer making a conquest of America, than we were twelve months ago; and that, probably, if we persisted another year, in the same system of politics, France, when she found this country sufficiently exhausted, both in men and money, would take an occasion to break with us, and we should probably, in such an event, find ourselves engaged in a war

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with the united powers of France, Spain, Naples, Sardinia, and the emperor, without a single ally strong enough to counterbalance such a junction of all the great powers of the southern part of Europe. He could not sit down without observing, that after all that ministers had promised, nothing had yet been performed, in respect of the terms we were willing to grant to the colonies: how, then, was it possible to effect that favourite measure, of dividing and commanding? America must unconditionally submit, or agree to terms; no terms having been offered on our part; the alternative was evidently, simple despotism or simple conquest. It was, therefore, absurd to talk of dividing the Congress, or separating the people from the Congress, because by the present conduct of administration, they did not permit a second party to subsist in America. His opinion was not founded in a mere spirit of opposition, nor in any other improper motives. He was sure it was pure; he was certain it was uniform; and he had great reason to dread, that the final event of the present unnatural war, would prove that his fears and predictions were too well-founded.

Mr. *Adam* rose to explain the words 'far enough.' He did not mean to use that phrase in the loose, undefined manner, it had been construed by the hon. general. He meant substantially to say, that the measures now pursuing by government would have been more efficacious, in all probability, had they been taken up earlier; and when they were taken up, had they been carried into execution with more spirit and alacrity. No man was farther from approving of sanguinary measures than he was; and he always thought that the surest means in such cases, of preventing the effusion of blood, and all the dire calamities of a civil war, was by adopting vigorous measures in time, and executing them seasonably.

Mr. *Dunning* was glad to learn, that administration had in some measure deserted the Bill; he hoped they would desert the amendment too. However, divided as they were, if they should insist on both this night, it would produce a phænomenon in politics—a divided ministry carrying a question on which scarcely two of them were agreed, and which almost every individual of them had virtually deserted.

The *Solicitor General* said, the information given by Mr. Fox, and every argument drawn from it, furnished so many stronger motives for agreeing with the Bill, and rejecting both the clause and amendment: he had told the House (and who could doubt so good an authority?) that two of the members of the Congress were at Paris, and that they were received in a public character, in the light of envoys, or ministers, armed with full powers from an independent state, treating upon preliminaries for a permanent and solemn communication, and guarantee of their respective interests. He did not see any necessity for either the clause or amendment, yet he should not be against, nay he had no objection to it, if its friends had been contented with carrying it early in the day; but as the gentlemen who moved and supported it, had been indulged with an acquiescence on the part of administration, and still continued to debate the principle of the Bill, he should now most certainly vote against it.

Mr. *Fox* said, he admired the candour and condescension of his learned friend, in granting the favour of permitting the clause to make part of the Bill, if the terms in which the favour had been asked had been accompanied with that degree of gratitude and submission the granting so high a boon deserved; if the debate had not been prolonged to this late hour, when it might be supposed the learned gentleman's presence might be more useful, and more eagerly sought. Yet, upon consideration, nice as the learned gentleman's feelings were, eager as he was to get out of the crowd, careless as he was of his duty in that House, and indifferent as he seemed to the consequences of the Bill; in either or any event, he imagined his resentments against conquered America, his native hatred of rebellion, his zeal for government, and his personal loyalty to the family on the throne, might have been in some degree gratified, without pushing this Bill to the extent he seemed to desire. It might allay the learned gentleman's thirst for public chastisement, and exemplary punishment, when he could satisfy himself with the pleasing reflection that seven rebels were shoved into a room at New York, and there burnt to death; or if that was not sufficient, another gentleman, still, if possible, more zealous and loyal, (Mr. Adam) might feast himself with contemplating the glorious deed daily and hourly achieved in our southern colonies and back settlements, where the savages came down in great numbers (if the

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accounts received by administration themselves from that country were to be depended on) and massacred the innocent settlers in cold blood; and the slaves were meritoriously employed in the murder of their unprepared, unsuspicious masters, through the encouragement of an administration which had been this day so unjustly arraigned, as sluggish and inert, as wanting spirit and alacrity, in the glorious work of blood and carnage; of planning nothing but tame, indecisive measures, still more tamely and indecisively executed.

The question was put on Mr. Dunning's motion, as amended by Mr. Cornwall, and agreed to without a division.

Mr. *Fox* wished the House much joy, and felicitated the nation in general on the escape they had from, at least, a state of temporary tyrannic dominion, which perhaps, all in good time, was meant to be rendered perpetual. He congratulated the minority in particular, on their success this day; who, he said, had corrected this very reprehensible Bill; though a minority, they had accomplished this alteration; the ministers were not only convinced, but ashamed, and had accepted of the alteration. It was no compliment to their friends the majority, for they were ready to pass the Bill as it was brought in. It was the minority, he repeated, who, though a minority, had corrected this Bill, which the noble lord had brought in crude and indigested, imperfect and erroneous. The noble lord was obliged to his friends the minority, for digesting, altering, and correcting his Bill, not to his friends the majority, who were ready to swallow it with all its original crudities, cruelties and errors. He then enlarged in a humorous, ironical strain, on the power of the learned Solictor General, who threatened to damn the clause totally, and blow it out of the House, if he was longer teased with the noise and nonsense of his opponents, and detained from his social enjoyments half or a quarter of an hour beyond his time; and painted his own fears very humorously, lest some of the over-zealous friends of the clause should rise, and provoke the learned gentleman to carry his threats into execution. He was two or three times rising to speak, he said, but happily repressed his feelings, as he watched the countenance of the learned gentleman, and imagined he could perceive a glow of honest zeal, and determined resentment overspread it, which denoted the most inevitable destruction to the clause, and terror, dismay and defeat to all its supporters. He said, he must seriously congratulate the House, and the nation at large, on the preservation of the constitutional freedom of this country, from the stab that had been predetermined, and covertly aimed at its inmost vitals, by the Bill as it stood before the clause was agreed to; for if it had passed in that form, he could with confidence affirm, that no Englishman, as long as it remained in force, and God knew how long that might be, would have had the shadow of liberty left, or could be a minute secure against the most cruel attacks of public oppression, or private malice and revenge. He then argued against the principle of the Bill, and said it was a dangerous and unnecessary Bill, even in its amended state; that still any man, who for pleasure or business happened to be out of the realm, lay at the mercy of ministers, of his private enemies, or of public informers. On the whole, his fears being at an end respecting the clause, he was now at liberty to express his sentiments freely; and under that sanction he totally disapproved of the principle of the Bill and of the clause; he looked upon the Bill as a dangerous precedent; and learning the true disposition and design of administration, from their conduct throughout, he should give it a most hearty negative.

The *Solicitor General* denied the interpretation that had been put on his words by the hon. gentleman. He gave him credit for his wit, his humour, and flow of imagery and expression; but very little for his arguments or facts. What he had said imported no more than this, that the learned gentleman who moved the clause seemed to be contented, at least tolerably satisfied, with the amendment moved by his hon. friend; that the explanation given, was seemingly the proper object of debate; yet, after the explanation so given and approved of by the learned gentleman who moved the clause, gentlemen continued to debate upon other matters totally foreign to the question before the House, and continued to urge arguments against the Bill. As this seemed to be the prevailing opinion of those who opposed the Bill, and that for his part it was his opinion, as well as that of most of his friends, that no such clause, mended or unamended, was necessary; he thought and he believed very justly, that as the hon. gentleman and his friends disliked and opposed the whole Bill, the question might

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be put on the clause, and if negatived, then its friends would be just as they were willing to be; they would be at liberty to try their numbers on the third reading.

Mr. *T. Townshend* denied the conclusions drawn by the learned gentleman. He said, the gentlemen on this side of the House might disapprove of the Bill, the clause, and amendment; and yet wish, if the Bill must pass, to have the rigour of it qualified, and rendered less mischievous. He could easily conceive, that a person might disapprove of a Bill, or think it unnecessary; that a clause might be moved to take the sting out of it; that an amendment might be moved to that clause, which considerably abated its value; and yet, if by the strength of numbers he foresaw the Bill would pass, he might be against the amendment and the Bill, and still wish and vote for retaining the clause, though, on the ultimate question, he was pre-determined to give a negative to the third reading. Such was precisely the predicament he stood in himself, and supposed that many of his friends stood in the same; consequently he could neither adopt the reasoning nor deduction of the learned gentleman.

Sir *George Savile* expressed the pleasure he enjoyed on what, all circumstances considered, he deemed a victory over some who would wish to establish a species of dominion in this country, more oppressive than what was endured by the subjects of any despotic country in Europe. He assigned his reasons why he thought so, and sat down with declaring, that he should give his negative against the third reading of the Bill.

The ryder being agreed to, the question was put, on the third reading, and the House divided:

Tellers.

Yeas	Mr. D'Oyley Mr. De Grey	112
Noes	Lord Midleton Mr. Annesley	33

The Bill was then passed.

Debate in the Lords on the Bill for suspending the Habeas Corpus Act.] Feb. 20. On the second reading of the Bill "to empower his Majesty to secure and detain persons charged with or suspected of the crime of High Treason committed in any of his Majesty's colonies or plantations in America, or on the high seas, or the crime of Piracy,"

The Earl of *Coventry* asked, whether it was intended, that without proof positively made, of a person being out of the realm, he would be liable to be apprehended on suspicion, and committed to prison during the operation of this Act; or whether the party charged on suspicion may not, before commitment, be at liberty to exhibit proofs before a magistrate of his innocence, or of his being within the realm at the time laid in the information, or grounds of suspicion.

The Earl of *Suffolk* said, it was not the design of the framers of the Bill to punish any innocent person whatever; that it was brought in as a measure of government to punish the guilty; that, however, it would be very impolitic, in his opinion, to permit the friends and abettors of the rebellion in America to be at large, and at liberty to do mischief, without a possibility of preventing it. If the Bill now read would admit of any such construction, for his part, he would be one of the first for supplying that defect. He supposed the grounds of suspicion necessary to apprehend, were meant to be such, as would apparently and equitably justify such apprehension, and no other. He was certain, such was the intention of administration; and he was also certain, no other power was sought, but what might be supported on necessity, blended and tempered with justice.

The *Lord Chancellor*, to the question put by the noble earl who spoke first, said, to be sure if proper facts were authenticated before the magistrate, to prove the innocence of the person charged or suspected, it would be a good cause not to commit. Law and justice required such an interpretation. It would, in his opinion, be competent to the magistrate, to enquire into, and decide on the proofs, on either hand; and he recollected, he was one among a majority of his brethren, who determined in favour of the power of the magistrate to examine into and determine upon the degree of credibility the charge on ground of suspicion may be entitled to.

The Bill was then committed.

Protest against passing the Bill to suspend the Habeas Corpus Act.] Feb. 24. The Bill was read a third time and passed. The following Protest was thereupon entered:

"Dissentient.

"1st, Because I look upon this Bill, not only as a part of that system of colony

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government, so inimical to civil liberty, so repugnant to the first and fundamental principles of the constitution, so ruinous in its measures, so shocking to humanity, and so averse from that now exploded virtue of universal benevolence; but, because I see herein that system coming home to ourselves, and with hasty steps pointing its dangers even towards the heart of the kingdom.

"2dly, Because the Bill itself is attended with powers subversive of and unknown to the laws of the land, by apprehending persons, it may be, on groundless suspicion; by imprisoning, perhaps, the innocent without the usual and necessary form of a single oath, and not too in the common gaol of the country, but in whatever part of the realm, be it ever so distant, that persecution shall think fit to adopt.

"3dly, Because, although the ryder which has been added by the other House does in some degree abate the rigour of this harsh and alarming Bill, yet it does not sufficiently provide for the security of his Majesty's loyal subjects, the inhabitants of the West India islands falling under its baneful operation; nay, even any individual of this country who shall venture on the high seas, if only to make the tour of the Hebrides, may become the object of suspicion, and the victim of vengeance.

"Lastly, Because the hour is come, if from motives of policy only, that coercion to lenity should give way. ABINGDON."

Debate in the Commons on the Army Extraordinaries.] Feb. 21. On the order of the day, to go into a Committee of Supply, it was moved, "That the extraordinary services, incurred and paid by Mr. Rigby; also that an account of the distribution of 970,000*l.* and likewise the investment of 799,973*l.* 18*s.* 5*d.* in the purchase of Spanish and Portugal coin, for the use of his Majesty's forces in America, be referred to the said committee."

Lord *Newhaven* said, he had examined several items in the account with all possible attention; yet there were some of them that, in his opinion, called for explanation. He had no doubt that the money had been faithfully and properly applied, and that the Treasury board made their contracts on the best terms in their power. He was satisfied, on the other hand, that contractors were equally industrious, to make as ample profits as they possibly could. It was the business, therefore, of parliament to examine into the nature of them, and to see that neither the nation nor the treasury, nor any other official boards, were imposed upon. On this ground he could not help entertaining doubts, there being many items in the account he did not comprehend. His lordship then enumerated several of the articles which created his doubts, and the nature and extent of several of the charges, of which he professed his ignorance: those related to the purchase of baggage-horses, remittances, the expenditure of the monies disbursed by virtue of the vote of credit; and the general uncertainty which overspread the face of the estimates, taken together, on account of the committee not being able to distinguish and ascertain what had been issued under the authority of the vote of credit, from the several species of expenditure particularized in the items now under consideration.

Lord *North* said, the Treasury had made their contracts with the utmost frugality; that the charge for horses happened quite in the common course of business, and was adopted from motives of œconomy; they were collected from the several regiments of cavalry on the British establishment, and were regularly valued: the valuation was 16*l.* per horse, which was the price for which they were recruited; and they came cheaper considerably than any others that could be procured to answer the end of baggage horses.

Lord *Barrington* said, he had been in the War-office for 17 years, and never heard a single complaint of any impropriety in the conduct of that board; that he presumed the horses were wanted immediately, and he was satisfied they could not be procured in any other manner, on so low terms and so expeditiously.

Col. *Barré* said, there were many articles in the account which he wished to have explained, as the sums were immense. They were the representatives of the people, or they had no right to sit in that House. They were sent there by their constituents, to be a controul on the executive power, and a check upon ministers. It was their peculiar province to enquire into the expenditure of the public money. Ministers were responsible; their duty required that they should give the House every satisfaction in their power. He then pointed to a number of articles, which he said were shameful; the very charge of surgeons' mates was increased from three to nine for each regiment.

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He dwelt a considerable time on the sum of 44,000*l.* issued to col. Fawcit, unaccompanied by any explanation. He spoke of the unwholesome provisions sent from Great Britain and Ireland, and the sickness and mortality they had occasioned among the troops, both in New York and Canada; and of the bad flour which had been first imported from America, and then exported thither at a most exorbitant price. This flour would not bear a second voyage, nor was it of a quality to be used, even on its first importation from America, except in seasons of dearth and necessity; the corn and flour factors in general being of opinion, that the grain was of such a nature as not to bear the sea-carriage without heating, and in some measure spoiling; so that the health of the troops was sacrificed to the emolument of the contractors, who being paid the very best price, served the army with this species of flour, that the English bakers would not purchase, and thereby gained a double if not a treble profit. As to the flesh provisions exported from Ireland, he was an eye witness of that himself, when in that kingdom last summer, where, in the very heat of the dog-days, he saw a great number of droves of hogs, going to slaughter, killed, immediately salted, and packed up for the use of the army in America. He was curious enough to enquire of the coopers, if provisions thus prepared would keep? He was answered, certainly not; they might keep for the voyage; but if not opened, and consumed immediately on their arrival, they would be good for nothing; and even in that event they would be barely eatable. He said, the transport service was an immense article, and was higher, by nearly one half, than was ever known. The freight had been usually 9*s.* per ton, and now it was raised to the monstrous price of fourteen or fifteen.

Lord *North* replied, that the article, of which the hon. gentleman so loudly complained, was 44,000*l.* paid for levy money, which administration did not, he confessed, expect would be demanded, because it was not mentioned in the treaty. The landgrave of Hesse quoted the treaty of 1755 as a precedent; that treaty was understood to be the basis of the present; consequently, the good faith subsisting between both parties, compelled administration to accede to the justice of the claim. He said, some of the provisions exported were as good as could be wished for, and some of them indifferent, as was always the case. They were sent in haste, and inconveniencies of course happened; but every complaint of the latter kind would now be at an end. Administration had contracted to have them of the best kind, and delivered on the spot in the best condition; therefore, if they should turn out damaged, or unmerchantable, the loss would fall on the contractors, not on government. As to the transport service, it was executed well, and the contracts made on the best possible terms. The hon. gentleman was mistaken in the price of freight, for the highest price paid was no more than 12*s.* 6*d.* and the current price, before the breaking out of the war, was 10*s.* per ton. This rise originated from two causes: first, the increased demand; secondly, the great expence the transport contractors were put to, in arming and fitting out their vessels, so as to be in a state of defence against the American privateers. And though the advanced freight might amount to a very great sum, when it was considered, that the events of the war solely depended on the double operation of a safe conveyance, in respect of supplying our army with military stores and provisions of all kinds, and our preventing them from falling into the hands of the rebels, no gentleman would disapprove of any increase of expenditure, which was intended to secure so desirable a purpose. As a proof how well the high freight was laid out, he could inform the committee, that out of 202 transports and victuallers sent to America, only three had fallen into the hands of the rebels; and one of them was thought to have been lost, by the captain permitting himself to be surprised; but that affair would be enquired into.

Lord *Barrington* replied to the article respecting the surgeons' mates, that an additional number was always allowed to the regiments quartered in the West Indies; and the number was still further increased, in proportion to the manner the troops were quartered; if cantoned in single companies, each company would most undoubtedly require a mate.

Colonel *Barré*, speaking upon the rum contracts, observed, the contracts for rum were at 3*s.* 6*d.* and 5*s.* 3*d.* per gallon, which was a most unheard of and exorbitant price; when it was well known, that good rums could be delivered at the keys in London from 2*s.* to 3*s.* per gallon, independent of the duty. In other places, the sum total was charged, without speci-

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fying the number of gallons, which left the price at large: it might be 10*s.* instead of 3*s.* or 5*s.* per gallon. Contracting was a special good trade now-a-days. It was a rich manure, and daily gaining ground. Contractors were known to be animals of a greedy nature, always craving and never satisfied; their appetites for dishonest lucre and foul gain, were as insatiable as their consciences were easily satisfied, and their minds in all points respecting their mercantile or parliamentary conduct, readily made up.

Lord *North* said, the price of Jamaica rum on the spot was 4*s.* 4*d.* per gallon, which with freight, insurance, and ullage, left little or no profit for the contractor; it ought to be taken into the estimate of the probable risk and profits, that the contractors engaged to deliver the rum in whatever part of America it might be wanting. As to the spread-manure of contracts his lordship observed, that contracts were not confined to the members of that House. A gentleman had said, the other day, that giving a contract to any person, but a member of that House, was a breach of privilege. He supposed the hon. gentleman meant a display of wit, rather than any thing serious. If, however, it was intended, as a general insinuation, that none but members had contracts, he begged leave to set the gentleman right, and to inform him, that the contrary was the fact. He did not know any custom, usage, or law of parliament that made it so; and he was certain, that contracts were given indiscriminately to such as were most likely to execute them well, without any consideration, whether they had or had not a seat in parliament. Some bread, he allowed, proved bad; but those were accidents it was impossible to provide against.

Colonel *Barré* said, when the treaty was made with Hesse, why was it not known that levy-money must be paid, and why was it not accordingly mentioned in the treaty? It had every appearance of the grossest imposition. He observed on the general justification now set up, that if the treasury board consisted of the vilest and most profligate characters that ever disgraced mankind, they would in their own defence plead, that they had disposed of the public money in the most frugal and faithful manner. Besides, if the treaty of 1755 was to govern the present, it ought to prevail as a rule throughout. If not, but that many advantageous terms were introduced into the treaty of 1775, the fair equitable construction, flowing from these premises, was, that the Landgrave of Hesse had a double subsidy, and other advantages by the latter, that he had not by the former; he was bound therefore to abide by either one or the other. Take the treaty of 1755, with all its benefits; or relinquish every claim under it. Let his serene highness have, in God's name, his option of the levy-money, or the double subsidy; but to give him both, so directly contrary to the letter as well as spirit of the treaty of 1775, was an abuse of parliamentary trust and ministerial duty, hitherto unprecedented, in the annals of ministerial temerity and peculation. The colonel sat down, with observing, that even within his own memory, such a gross malversation in office would have been severely animadverted upon by a majority of that House, and that no plea, but incapacity or ignorance, would be sufficient to deprecate its just resentments, against so daring and wanton a breach of public trust.

The motions were agreed to.

Debate in the Commons on Captain Blair's Petition respecting the Capture of a Vessel by the Spanish Guarda Costas.] Feb. 25. Governor *Johnstone* said: I have in my hand a petition from captain Blair, in behalf of himself and Dr. Charles Irving, complaining of a violent outrage committed by two Spanish guarda-costas, holding commissions from the king of Spain, in the capture of the ship Morning Star, the property of the petitioners, as she lay at anchor, with English colours displayed, in the road before Black River, the principal British settlement on the Musquito shore. As I believe from something I have heard since a noble lord (North) has entered the House, whose fiat generally determines the vote, that I shall not be permitted to bring this petition up, I shall therefore take the liberty of stating the contents and the circumstances more at large than I should otherwise have done in this stage of the business, that the world may judge between the conduct of those who offer this petition, and of such representatives of the people as refuse even to hear the complaints of injured subjects, or to enquire into the circumstances of national insult and disgrace.

Before I state the particulars of this transaction, it is necessary for me to inform the House, that they are not now called on to enquire into a case where the least infraction of any of the laws for car-

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rying on commerce in the Spanish dominions, can be alleged. I freely confess that the impolitic laws of Spain, respecting the commerce of her colonies, is such, by making the temptation of profit so much greater than the risk of seizure, that the adventurous spirit of our countrymen has been frequently called forth to force a trade upon those coasts, and even encouraged by the officers of our government, below the dignity of a great nation. These adventurers are much diminished of late: they were formerly known by the name of Buccaniers: like most other illegal traders, with great risks and great profits; they were of a very desperate cast, and frequently irregular in their conduct, so that enquiries into their complaints demanded more than ordinary circumspection. But I beg the House will not from thence be induced to believe from private whispers or false insinuation, that there was the least degree of illegal commerce or unbecoming behaviour on the part of captain Blair or Dr. Irving, or any of their people, intermixed with this complaint; they are both men of irreproachable character, and of enlarged understanding, well known to many of the members of this House. The matter is truly and without evasion, an issue joined between Spain and Great Britain, to the right of settling on the Musquito shore, which the Spanish court seem determined to support by overt acts of force and violence, rather than submit to a civilized discussion by the law of nations, of which insulting disposition, in the court of Spain, these worthy gentlemen, the petitioners, are likely to be the unhappy victims.

It was with no hostile intentions, Sir; it was with no views of illegal commerce, that these gentlemen embarked themselves and their property, on the project of a settlement on the Musquito shore; it was to cultivate the generous arts of peace, and diffuse their benign influence through that rude and waste part of the world. This project they undertook, not only by the encouragement, but in some measure at the desire of government. In 1775, a more regular form of government having been established on the Musquito shore, by the appointment of a legislative council, Dr. Irving and captain Blair, were induced by this act of authority, together with the encouragement they received from the earl of Dartmouth, to embark between 5 and 6,000*l.* in the adventure of making a settlement on the Musquito shore, chiefly with a view of expressing vegetable oils out of the various oleagenous productions of that country, fit for the wool-combing and other purposes in the woollen manufactory here.

The next object (the petitioners being both excellent chymists as well as intelligent botanists) was the improvement and cultivation of the different dyes, already known in that country, with a reasonable hope of further discoveries by men so attentive and intelligent on this subject. A third point was the culture of cotton in a climate so favourable, where land is so cheap, and which is besides so well calculated in the process of preparing for the native indolence of the inhabitants, in their first progress towards more active industry. These were the objects of this expedition, and to show how much they were approved by authority, lord Dartmouth, then first lord commissioner of trade and plantation, and secretary of state for the colonies, actually undertook, in case Mr. Blair and Dr. Irving succeeded in their views, respecting the vegetable oil, that it would be moved in parliament, to make an alteration in the duties in that respect. A project like this may raise ridicule from men born to opulent fortunes, who have never had occasion to consider, beyond their own estates, the various incitements which God has established for spreading improvements throughout the world. But to those who are able to trace the efficacy of Providence through different works, and know the numberless discoveries that have been made in the arts and sciences under such enthusiasm, who feel the spirit that sent Columbus to the west, and Gama to the east, will revere men of that turn of mind. It would appear that this arrangement of the legislative council, coupled to the circumstances of men of genius settling under it, had roused the natural jealousy of the court of Spain, and had determined the councils of that nation to counteract the measure by actual force, for after all the trouble of collecting materials for such an establishment, after the fatigues of so long a passage, before half the utensils were landed out of the vessel, she was, in open day, boarded, seized, and carried off, in sight of the King's house, and all the inhabitants of the place, by the Pacifico of twelve guns, commanded by Don John Castello, and the Recorso of fourteen guns, commanded by Don Antonio Yepe, by whom the unhappy mariners were tied together and made cap-

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tives, and carried along with the vessel to Carthagena.

That the House may understand the subject fairly, it will be proper to state in a cursory manner, what has hitherto been the situation of the Musquito shore. The country extends about 20 leagues beyond Black River, to the west, and 20 leagues to the south of Yarra or Great River, making in the whole about 400 miles of a rectangular coast, running west and south, from Cape Gracia de Dias, and from 100 to 80 miles deep in the country. The chiefs of the different tribes of Indians first formally ceded this country to his Majesty, while the duke of Albemarle was governor of Jamaica; their chiefs have ever since been respected and obeyed by the natives, according to the commissions they have held from the governor of Jamaica, to which the Musquito shore is considered as an appendage, nor has any Spaniard ever settled there. In the war of 1740, when we projected the attack on Carthagena, and the expedition into the South Seas, under lord Anson, thinking the Indians might be of material service against the Spaniards, an officer under the name of superintendant, and paid by the crown, was then appointed, as also justices of the peace, by commission from the governor of Jamaica, which establishment has continued ever since, sometimes with more relaxed, and sometimes with firmer authority, according to the characters of the men employed, as every species of colony government under our constitution must be, when founded merely on the will of the crown, without the elective voice of the people.

It was no doubt with a design of remedying those inconveniencies, that this new species of colony government by a legislative council, chosen by the inhabitants, was adopted. I do not take upon me either to condemn or approve the policy which directed the measure, but I believe the motives were extremely good. A very extraordinary circumstance had brought the affairs of the Musquito shore, under the more immediate review of the Board of Trade, by which the unrestrained irregularities that prevailed there, became more apparent; a very worthy gentleman, and a friend of my own, had gone to that part of the world in 1773, with a view of settling in the country; when he arrived there, he found a commerce established of the most barbarous and cruel kind that ever disgraced the transactions of any civilized people. The traders on the Musquito shore were accustomed to sell their goods at very high prices and long credit, to the Musquito Indians, and the mode of payment set on foot by the British settlers, was to hunt the other surrounding tribes of Indians, and seize them by stratagem or force, from whence they were delivered to the British traders as slaves, at certain prices, in discharge of their debts, and were by them conveyed as articles of commerce to the English and French settlements in the West-Indies. The person among others, concerned in this shameful traffic had been the superintendant himself, whose employment was ostensibly to protect the Indians, from whence, as the House will easily perceive, all kinds of jealousy, distraction, and distrust had prevailed: several of the Indians, and particularly the king, complained to my friend of the distracted state of the natives, from this species of commerce. He wisely foresaw that it would be impossible to correct the evil by any complaint through the superintendant, who was himself concerned; he therefore advised, as the best means of obtaining redress, that the king should send his brother and his son to England, with a regular complaint, and lest the fact should be disputed, he actually purchased two of those surrounding Indians, who had been made slaves, to accompany the others on the voyage, which voyage he undertook at his own expence, and agreed to accompany them thither with that humanity and attention to the rights of his fellow creatures, for which I know him to be distinguished. But whilst I praise his benevolence, and consider the act as the most meritorious that could be performed, I must also, in justice to truth, declare to the House, his total ignorance of the ignoble selfish spirit which directs the councils of this country; this gentleman was actually weak enough to believe he would receive public commendations for his conduct, and instant redress for so inhuman a grievance!

When the affair was first stated to lord Dartmouth, he received the chiefs as became him, and felt with that tenderness for which he is said to be noted; but his ardour was soon cooled by some of those worthless indifferent beings who cannot believe that any man can suffer an injury, while they are enjoying the luxuries of an abundant table. The superintendant had also found friends, among those kind of men; the matter was afterwards put off

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for nine months, from week to week, till lord Dartmouth quitted the Board of Trade, having first, in consequence of the enquiry, established the legislative council, which has been the occasion of the hostilities complained of. The first act of lord Dartmouth's successor was to dismiss the superintendant of the Musquito shore, and appoint another, leaving however such an expence upon my worthy friend, notwithstanding government paid a small sum towards his losses, that I believe no man will again venture upon such a romantic idea as that of crossing the Atlantic, in consequence of any grievance, in hopes of obtaining redress in England. It was those very Indian chiefs, which lord Dartmouth sent out with Messrs Blair and Irving.

We shall now consider what can be said in vindication of the conduct of the court of Spain. Our right to trade and to settle in the Musquito country, is founded (as I have shown) on the cession made by the native inhabitants, and on an uninterrupted possession of near a hundred years. That of the Spaniard is founded on a grant from the Pope of Rome, and as being the first discoverers of the circumjacent coasts. It is true the matter is left somewhat indefinite, by the definitive treaty of Paris. That the House may judge exactly, I will read the article 17th. "His Britannic majesty shall cause to be demolished all the fortifications which his subjects shall have erected in the Bay of Honduras, and other places of the territory of Spain in that part of the world, four months after the ratification of the present treaty; and his Catholic majesty shall not permit his Britannic majesty's subjects, or their workmen, to be disturbed or molested, under any pretence whatsoever, in the said places, in their occupation of cutting, loading, and carrying away logwood; and for this purpose, they may build without hinderance, and occupy without interruption, the houses and magazines necessary for them for their families, and for their effects; and his Catholic majesty assures to them, by this article, the full enjoyment of those advantages and powers on the Spanish coasts and territories as above stipulated, immediately after the ratification of the present treaty."

Undoubtedly the words "other places of the territory of Spain, in that part of the world," leaves the dispute as much at large, or as contracted as could be desired by a politician disposed to take the cause of either party. I freely confess, that a regular established government, where mankind could multiply under the benign influence of colonization, that formerly prevailed in the English settlements, and thus situated in the very heart of the Spanish dominions, is an object of great consideration for them, perhaps (and for the same reason) it is equally an object of great consideration with us, not to relinquish such advantages. Men who are disposed to yield the rights of Great Britain to such considerations, might find many stronger arguments, upon that consideration, for yielding up Gibraltar, situated in the kingdom of Spain itself, and destined for the key of commerce in the Mediterranean, exposing to passing nations at the south of Europe, the proudest triumph of insular power, and the most humiliating circumstances of debilitated empire, that has yet appeared in the fluctuating scene of human events. For she too, in the plenitude of her power, made cruel war on her distant subjects! But I do not wish at present to enter into the question of convenience or of right, or the extent of that right, on the Musquito shore; my proposition is short and simple, disencumbered upon every alternative from such perplexity. If lord Dartmouth had no right to establish a legislative council on the Musquito shore, by which every Englishman was invited to partake of the benefits of that species of government, his lordship is to blame, and the administration with whom he concerted that measure, should be censured. But for this House to permit the innocent subject acting under such sanctions of government, to be ruined by his confidence, while the same set of ministers are in power, is inconsistent, or that we shall refuse to hear complaints, or to examine into the truth in such cases, is placing the representatives of the people (who ought to see with a jealous eye the injuries of every individual) in such an odious light, that instead of being considered as the guardians of the rights and privileges of the people, they can only be considered as an engine in the hands of a minister, (like the Roman senate under Tiberius) to palliate disgraces, or execute vengeance at his will.

What I maintain here, and with more confidence than in the case of Falkland's Island, is this, that supposing government had even exceeded the just limits between the king of Spain and Great Britain, yet still the object was a matter of cool discus-

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sion, agreeable to the respect due to the dignity of a great nation, before any overt act of violence could be committed. The late sir Charles Saunders declared, upon the unhanging a sloop of war's rudder, merely to detain her for a few days, that Madrid in ashes was hardly a sufficient atonement. For my part, I consider this of much greater consequence, because I regard personal liberty as the first great consideration in a free country; the tying of British subjects together, loading them with irons, and throwing them into dungeons, is of more estimation, in my judgment, than the shipping and unshipping of 500 rudders. I see some gentlemen smile at this sentiment. I do not wish to adopt their opinions, nor do I expect they should adopt mine. It would be difficult for me to make them feel the regard I have for civil liberty. If I should say it is equal to the affection they bear to their pensions and places, they would hardly believe it possible. But I am not ashamed to maintain that the commerce of the productive coast of the Musquito shore, is infinitely superior to the barren rocks of Falkland's Island. When a member of parliament can laugh at the imprisonment of English subjects, or sit regardless of a question where the peace, the happiness, the existence of 500 families of his fellow subjects are involved, it is, in my opinion, a mark of depravity that deserves the contempt and abhorrence of all good citizens.

I am the furthest of any man in this House from wishing to involve us in a war with Spain. I am conscious of our feeble situation, and that we are already engaged in a civil war, too extensive for our resources. I do not expect in this assembly, that Roman spirit which directed vengeance against the king of Epirus, when Hannibal was in the centre of Italy; that period is passed. Our late defeats in America must make every man look with awful consideration on the extent of the present war, and the magnitude of the expence in dealing with the enemy, whom we have unhappily driven into rebellion, by our own false policy and oppression. I am conscious that our revolted colonies, aided by a foreign force, must prove an over-match for us. Their respectable resistance on the shore, and the innumerable captures at sea, demonstrate this. I therefore think it would be madness to irritate any other power; our situation is such at present, that I think it better to suffer every insult, than provoke any foreign power, openly to assist the Americans, or to form any alliance with them, which must make their return to the allegiance of this country more difficult, if not impossible, even supposing his Majesty shall soon see the fruitless conduct of his present ministers, and become disposed to listen to wiser and more faithful counsellors. It is for this reason I would propose, if the petition was brought up, that the damages should be paid to the innocent sufferers, until we are in a situation of doing ourselves justice. But while I offer this proposition, I beg the names of those men may be remembered, who from the height of national prosperity, without any exterior cause or other reason than their own mismanagement, have crossed the Rubicon, and plunged us into all the horrors of civil discord, until we are left in this debilitated state, liable to be insulted by every foreign power.

I have only now to inform the House, of the different steps that have been taken since the capture of the Morning Star, to obtain redress. The inhabitants of the Musquito shore, extremely alarmed at so notorious an attack, by force of arms, on the property of the King's subjects, in which their fate was involved, transmitted an immediate representation to the governor of Jamaica, of the circumstances attending it, and though the proof, that the vessels which made the seizure were Spaniards, was not so positive as the common law of this country would require, before a jury, to deprive a man of his life, yet, attended by those numerous circumstances, by which seamen denote the vessels of foreign nations, there could remain no doubt that the cruizers were Spaniards; this, added to the dress, complexion, and tones of voice of the crew, all plainly distinguishable, rendered the evidence from the affidavits as complete as the nature of the case could admit. This representation was carried to Jamaica by captain Blair, in person, who stated to the governor all the other minute circumstances that came to his knowledge. Though the unhappy sufferer was perfectly convinced who had injured him, yet the governor, who is himself a seaman, and a man of sound natural sense, would not believe the Spaniards could be guilty of such incivility, and still insisted the captors must be vessels from North America. Application was also made to the worthy admiral upon that station, but he was equally incredulous as to any misbehaviour in the Spaniards; and

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yet if he was sincere in his belief, it would appear strange that the admiral should have sent no cruizers to look after those American privateers. Finding no likelihood of redress abroad, from the instructions the governor and admiral must have received, captain Blair embarked for England, and on the 25th of September, delivered a memorial to lord George Germaine, secretary of state for the colonies, complaining of the unjustifiable capture of his vessel by the Spaniards, and stating his losses at 3,000*l*. His lordship was in the same incredulous disposition of mind with the governor of Jamaica. It was from our own colonies alone, that any hostile act could come. It was impossible to persuade his lordship, from any circumstantial proof, that the Spaniards could be guilty of such an act. What I now maintain is this, that admitting there was not sufficient proof for an application for redress, there was perfect ground for a hypothetical enquiry, if our good friends and allies had committed this trespass, and what were the motives: but this was refused, from our situation with regard to the Spanish court. After three months had elapsed in fruitless attendance, there was, by accident, transmitted from Jamaica, a deposition of Frederick Sund, one of the unhappy mariners, who had been taken in the vessel, and escaped from prison at Carthagena. This man set forth every particular in his affidavit, and as it is the most material evidence in the petition, I will read it to the House. [Here the affidavit was read.] As soon as this affidavit was public in Jamaica, application was again made to the governor and admiral on that station to obtain redress; the governor still professed his entire scepticism, and the admiral was more profitably employed in catching the innocent traders from North America, who had ventured to sea under the faith of our first restraining Bill, but who were now condemned as prizes by the second, before the limitation in the first Bill was expired. This was about the harvest of such glorious exploits, and therefore a most unseasonable time to enquire into private injuries, or national insults. After six weeks solicitation, however, the governor and admiral did at last think it decent to make some inquiry into the depredations committed upon his Majesty's subjects under their protection. Accordingly a frigate was dispatched, with a complimentary letter to the governor of Carthagena, wrote in a stile the most civil and obliging that is to be found in the annals of this country, when demanding reparation for a national indignity. When this nation is sunk still lower, it may serve as a model to future admirals and governors. Nevertheless, when Dr. Irving requested of the admiral, that he might accompany the representation, and go in this frigate to point out his own vessel, and refute any false allegation on the spot, he was refused this equitable request, which plainly demonstrates, (as well as the papers when they shall be read), that the whole was a timid ceremonious requisition, unworthy the dignity of this nation.

As I have the honour to be acquainted with the governor of Jamaica, who is an excellent naval officer, and knows what is due to the British colours, I am persuaded he never could have acted a part so humiliating to this country and himself, if he had not secret instructions to curb the dignity of his own mind. Notwithstanding the courtly expressions in the letter from the governor of Jamaica, and the refined politeness of the English admiral, the ingenuous character of the Spanish governor would not permit him to adopt the evasion which was pointed out; he boldly acknowledged the capture, by vessels commissioned by the king of Spain. He assigned no reason in justification, but freely declared he had no power to order restitution in an affair which depended upon the courts of Madrid and London. While this pleasant scene was carrying on in the West Indies, the deposition of Frederick Sund had been transmitted to captain Blair in England; this he inclosed in a letter to lord George Germaine, of the 17th December; his lordship seemed still desirous of further delays, but on being pressed by captain Blair, in terms more severe than his natural modesty generally inclines him to use, his lordship then wheeled to a more extraordinary subterfuge; he acquainted the unfortunate petitioner, for the first time, that truly he was in the wrong course of office, and that the matter belonged to lord Weymouth's department, to whom the papers should be sent. This I consider as a very unfair and disingenuous conduct, whatever purposes it might be intended to serve. If the affair belonged to lord Weymouth's office, his lordship should have been permitted to see and judge concerning the first representation in September, which I am persuaded would have been very different.

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Capt. Blair hereafter applied to lord Weymouth, who immediately came to town, and transmitted a representation to lord Grantham at Madrid. Captain Blair has waited with great patience, in hopes of some satisfactory answer, but he has not as yet officially learned any particulars. As this is not a vessel seized for illegal commerce, but for going to attempt a settlement on the Musquito shore, under the encouragement and approbation of government, the matter is brought to a short issue, and must turn on the right of the nation to make any settlements there. Here is no disavowal of the facts alledged, no declaration, in case the circumstances are as represented, they should be willing to render reparation: so that the unhappy sufferers, after embarking their fortunes in a laudable undertaking, at the invitation of administration, are now plundered and ruined by a foreign power; the matter is further endeavoured to be involved in such doubt, mystery and confusion, that there is no prospect of relief; and the parties, after every species of procrastination and evasion in office, are left without a glimpse of hope for obtaining redress, unless by the interposition of this honourable House.

If it is alleged that the court of Spain are ever slow in negociations like this, I answer, that the Spanish court are composed of men constituted like others; that they are slow, or prompt in reply, according to the men and the administration with whom they are transacting business. If the capture was put upon the footing of any illicit trade, (which is impossible in the present case) the matter might demand enquiry, and consequently delay. But here the point must turn on our right to trade and settle on the Musquito shore, the discussion should be short, after one hundred years possession; or at least, if government do not chuse to venture that discussion at present, the laws of civil society require that the state should indemnify the innocent sufferer, whenever the nation shall postpone any requisition for the reparation of private injury which is due to every individual, from the protection of the state. Either condemn lord Dartmouth; demand satisfaction of the court of Spain; or indemnify the individual who acted under your sanction and advice. One of those three things you are bound to do; the last would prove most pleasing to me in the present juncture. Will any man believe, that in case lord Chatham had been first minister of this country, that in five months he would not have been able to procure an explicit answer upon this subject, from Madrid? For my part, I sincerely believe, that he would have had an answer in five weeks; and I refer to those who remember the honour of the nation, in the days of Mr. Pitt, if the whole tenor of his lordship's conduct does not justify me in entertaining this belief. But at all events there can be no national objection to bringing up the petition; we are bound to hear the complaints of the subject; what is to be done after the House are fully informed of the facts, may be a matter of more difficult consideration; but to reject the petition, would be loading our own resolutions with an imputation of timidity, worse than any I have stated in the conduct of the subordinate officers of government, and showing it is the same abject disposition that pervades the whole system. In hopes that this is not entirely the case, and that at least, if the old spirit of resentment for national indignities is stifled, the spirit of private justice is not yet extinguished, I now move you, that this petition be brought up.

Mr. *J. Johnstone* seconded the motion. He lamented the humiliating state this country had been reduced to by the violent and impolitic measures pursuing against America, which left us at the mercy of our foreign enemies, notwithstanding the high sounding language held, of our being in a situation to be able to contend with all the powers of Europe, should a necessity arise for any such exertion. He declared himself strenuously for the enquiry, as the means of rousing us to a proper sense of our very perilous situation, from those romantic dreams of American conquest, and unconditional legislative supremacy; and of recalling the attention of parliament to the dangers we have been imperceptibly led into, by the unexampled folly and obstinacy of a blind infatuated set of men, to whom the administration of public affairs had been unfortunately intrusted.

Lord *North* said he should be against the bringing up of the petition, upon several grounds: first, he thought it would be extremely improper to bring such a matter before parliament, till it was known in what manner the court of Madrid would behave, or what answer they would ultimately give. It was a delicate affair, and required careful investigation, before it would be proper to take any decisive mea-

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sures respecting it. His lordship denied that any legislative council was now existing on the Musquito shore: and insisted, that the superintendent, though named here, was appointed or approved of by the governor of Jamaica. He said, we never had any direct controul over the settlers in the Bay of Honduras; they were under the direction of the government of Jamaica; and any communication they had with ministers here, had always come through that medium. His lordship seemed to insinuate, that there was no sort of civil policy existing on the Musquito shore. He said it had never been considered in the light of a colony, but rather a society of persons, residing there for the benefit of cutting logwood, dependent on Jamaica. As to the right of residence, and all other rights arising from it, he spoke with great caution, and with some degree of doubt. He said the Spaniards had always disputed it; and the article in the treaty of Paris, referred to by the hon. gentleman, plainly shewed, that the right was far from being acknowledged, for there it was specially provided, that the preliminary step to be acceded to by the British court, was the demolition of all fortifications, defences, or military works of any kind, which might have been raised or constructed in the course of the late war, or at any preceding time; the article both speaking and importing that language. Then followed the stipulation by which Spain was bound to secure to the British settlers, the privilege of cutting logwood. It was a permission only to cut logwood, which was very far from a recognition of any right to territorial possession. He then spoke to the fact and dates very fully, which were stated in the petition. Whatever some gentlemen might think of the idea which prevailed with the governor of Jamaica, and the noble lord in office who adopted it, he, for his part, perceived nothing improbable or extraordinary in such an opinion. There were no proofs either way; and till there were, it would be a most extraordinary procedure to apply to the court of Madrid for redress of an injury, perhaps committed by our own subjects. On the whole, he said, that five months had only elapsed since the first complaint was lodged in the American department, three of those had been a blank; two months, then, have passed since the complaint has been substantiated; application was immediately made to the court of Spain; a letter was dispatched the very night (the 17th December) by lord Weymouth to lord Grantham, at the court of Madrid, to demand satisfaction for the injury. A letter, in answer to the said complaint, was received on the 15th January; in which the Spanish minister disavows any knowledge of the act, but desires that a memorial, stating the facts, may be drawn up, and transmitted to our minister at Madrid, by which means the Spanish court would be enabled to make the necessary enquiries, and from the whole circumstances collected from both sides, give that degree of satisfaction to which the nature of the case was entitled. Two other letters have been since written, to which no answers have been yet received; consequently, the very grounds and prayer of the petition are equally ill-founded; the petitioner, in a negociation, from its nature so subject to procrastination, has no right to complain, no pretence to come to parliament for redress, till refused it elsewhere. No such refusal has been given; on the contrary, the King's ministers have urged the matter with a most commendable diligence. What does the petitioner complain of? That his complaint has been of five months standing. Surely, when all the circumstances are properly considered, as well as the tedious course necessarily to be submitted to in the mode of obtaining redress, the petitioner may think himself well off, if he obtains it in five times five months. It was never known, that a negociation, involved as it must appear, in intricacy, till properly cleared up, was ever settled in the time allotted by the petitioners. If they had considered properly what they were desirous of obtaining, they could never have complained of delay; they would have learnt, that application must be first made to the Spanish ministry; that as a matter of state, it must be considered in cabinet; that orders must be sent to the Spanish governor or governors, to inquire into the motives of their conduct; that the specific answer arising from this course of investigation, must be transmitted hither by our minister; and finally, that his Majesty's servants must ultimately determine upon the propriety of the offered redress. These were all steps necessary to be previously taken, before the petitioners, even on a refusal of redress, could apply with any degree of propriety in the present manner. His lordship further observed, that another ground of complaint stated in the petition was, that Mr. Blair was refused a copy of the letters, relative

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to this transaction. This complaint was as ill-founded, as the relief sought was unreasonable and premature. The under secretary could not, without permission, give a copy of the letters desired, nor was it usual. He had done every thing to oblige captain Blair, that was consistent with his duty. He read the contents of the letters audibly, and without reserve; and Mr. Blair expressing a desire to hear the contents more distinctly, the under secretary complied with his request, and read the letter a second or a third time.

Governor *Johnstone*. Sir, I rise by way of explanation, and I hope for the indulgence of the House. The noble lord denies two things, both of which I assert. He says, there never was any appointment of a legislative council on the Musquito shore, by lord Dartmouth, nor is any superintendant appointed by the crown to act there. When I heard the first of those declarations, I immediately went out of the House to captain Blair, who had assured me of the fact. He is now at the door, and ready to prove what he has told me, that he saw the instructions from the governor of Jamaica, for constituting the legislative council, reciting, that it was established in consequence of instructions from lord Dartmouth, and he saw this legislative council several times assembled and acting under this authority. Respecting the other fact disputed by the noble lord, I do again assert the superintendant now acting there, was appointed by the secretary of state for the colonies now in my eye. Here, then, are two points in dispute, which should alone be a sufficient reason for bringing up the petition, that we may prove or disprove the allegations, and the House be accurately informed. With regard to the other parts of the noble lord's assertions, they are assumed upon equally bad information, and betray a degree of ignorance on this subject, that this noble lord seldom shews on any other. I see the noble lord now collects his knowledge by piece-meal, from those about him. While my hon. friend [Some gentleman was whispering lord North,] now whispers the noble lord, will he also tell him and the more aged gentlemen of the House, before we yield up our right to the Musquito shore, that it is from thence we receive the greatest part of our delicious turtle? May I tell the younger part, before they give their consent, that it is from thence comes the sarsaparilla, to purify our blood? All the noble lord's arguments stand on confounding the Musquito shore with the Bay of Honduras, which are perfectly distinct. There is a report of the Board of Trade, solemnly delivering their opinion in favour of the rights, by reference to facts that cannot have a doubt in the mind of any man who reads them. To find the minister of a great kingdom, in a matter of such moment, perfectly unacquainted with the material circumstances, is an affecting spectacle, and shows how business may be conducted in other affairs. Perhaps it is the best way of accounting for our repeated blunders. I cannot suppose the noble lord meant to misrepresent or amuse, that would be worse. To say that we would make no enquiry about the capture of the Morning Star, until we had positive common law proof, is equally ridiculous in national affairs. Supposing Sund had never escaped, could there have been no application or means of redress for the unhappy sufferers? Perhaps there may be many other British subjects languishing in Spanish jails, if these are the principles that are to direct our conduct. In short, every argument the noble lord has used, are strong reasons why we should hear the petitioner; there is not one against it.

Mr. *Fox* observed, that the subject of debate lay within a very narrow compass. It was a fixed rule in the proceedings of that House never to reject a petition, but on the following grounds; either that the facts stated in it were known to be materially false, or that it contained matter improper or offensive in itself; or lastly, that the facts, though true, were not worthy of consideration. Now, the facts were not denied by the noble lord; they were rather confirmed by him. It was not pretended that the petition contained any thing offensive, or incompetent for the House to enquire into; consequently, the purport of his lordship's opposition to the motion is this; that the petition must be rejected, not because the contents were false or improper, but because they were true, but not worthy of investigation. If however any doubts remained with the noble lord, or his coadjutor in the difficult task of government, of the reality of the facts, it was incumbent on the House to have those facts enquired into; and if the petitioners should be discovered in attempting to mislead the House, it would be the business of every member to censure so unjustifiable a conduct. Nothing like this being pretended, it came substantially round to

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his first assertion, that the facts were true; but, as the noble lord said, the affair was so delicate, or ticklish, or if his lordship liked the explanation better, of so little consequence, that it was unworthy the notice of that House. Besides the general complexion of the petition, as a matter of a public nature, respecting Great Britain and Spain, he could not help observing, that it struck him, though not in a different, at least in a separate light. It came, in his opinion, before the House, as a matter of complaint against the noble lord who presides at the American department. His conduct was indeed of the first impression. Two Spanish guarda-costas take a British vessel on the coasts of America, which till this day, that a very doubtful if not a different language is held, from a seat understood to be of great authority, it is stated in the memorial presented both to sir Basil Keith at Jamaica, and the American secretary of state here, as a matter of certainty, that the armed vessels which seized the property of the petitioners were Spanish; that the language they spoke was Spanish; and that they hoisted Spanish colours. What, then, does the governor of Jamaica do? Why, by a kind of cross purpose in the full spirit of contradiction, he supposes the most unaccountable supposition imaginable; he presumes, against every rule of presumptive evidence, that those Spanish guarda-costas were nothing less than American privateers? What does the secretary do? Why, in exact conformity to sir Basil, he instantly thinks with the governor; he tells the petitioner, that the matter shall be enquired into; informs him of his mistake: but that is not all; after three months fruitless attendance at his lordship's office, the nice political speculations of sir Basil and his lordship, proving, like other modern refinements, rather too fine spun, when the affidavit of Sund has convinced his lordship, as well as the governor of Jamaica, that they were not American but Spanish armed vessels, that made prize of the Morning Star; why, his lordship very ingenuously informs capt. Blair, what he must have known from the beginning, that he had nothing at all to say to the business; and very politely refers him to the secretary of state for the southern department. This conduct in the noble lord was extremely reprehensible, and called for enquiry; and if found true, called for the most signal displeasure of that House. If, therefore, he had no other motive for having the petition received, an enquiry into the facts now adverted to, would be sufficient for him. It was highly unbecoming a person, occupying the office the noble lord did; it was a delay, if not a hindrance of justice; and he presumed, the whole affair would have sunk in oblivion, till followed by other acts of a similar nature, if it had not been miraculously brought to light by the marvellous escape of Frederick Sund, from the dungeon of Carthagena.

Lord *North* rose to explain some matters, which had been misconceived, or misrepresented by the hon. gentleman. He never said that there had been no legislative council, but he said there was no legislative council existed at the time, nor since the outrage complained of was committed. He allowed an attempt had been made to establish a legislative council, but he understood that it came to pieces or to nothing. That he was right in saying that the superintendant, though named here, was appointed formally by the governor of Jamaica. [Here his sleeve was again pulled and set right, as he was frequently in several other facts affirmed by him while up.] He was now informed, that the last superintendant of the Musquito shore was appointed here, as well as named, and was sent directly from hence. The main and strongest part of his argument went on the impropriety of the interference of the House of Commons in this stage of the business, in the beginning of a negociation, the event of which no person could precisely foretell, nor indeed judge of. The true grounds of the conduct of Spain, our rights and every thing included in either, were matters worthy of discussion; but they were not now in a proper state for this mode of enquiry. The circumstances attending the seizure of the vessel, the real or pretended motive for such an outrage, were matters to be first known. It was said that the petitioner's case might deserve consideration and redress, taking the facts as stated, without going into the question at large, as respecting the Spanish court. To such a mode of proceeding he had many objections. It would be a distinction without a difference, to redress the individual injury and pass over the insult. It would be a collateral investigation of the matter, and would have the improper appearance of a tacit acquiescence in the outrage, if parliament made satisfaction to the injured party, instead of procuring him redress from the Spanish court. His lordship then proceeded to re-

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state the facts relative to the several applications made by the petitioner, as he partly acknowledged, having been more minutely and correctly informed of them, in the interim, between his first and second rising.

Mr. *Temple Luttrell* said he was astonished to see the gallery, which in his opinion at all times ought to be open, kept constantly shut against strangers; but infinitely more so to see it open, when a noble lord was to surrender the most sacred and inalienable rights of this country, into the hands of a foreign power. He doubted not but both France and Spain had their emissaries in this country; and that what was now passing, would soon come to their knowledge. The language of the minister this day, would be soon interpreted to proceed from the most shameful timidity and pusillanimity. What their next demands might be, no man could foretell; but it might be well presumed they would rise proportionably to our want of spirit. Injuries should ever be speedily and vigorously resented; to shrink from an appearance of danger, was in fact to create and augment it. Trifling insults, if not timely resented, were usually productive of material injuries; the uniform history of all ages and countries gave the most ample testimony of this truth. It would be matter of infinite pleasure to them, to hear that the important and lucrative trade carried on in the Bay of Honduras, was depreciated as of little or no value, to furnish ministers with the more plausible pretext for its surrender, and all the rights on which it was founded. He then stated our pretensions to both the territory and the logwood trade, and quoted the treaty in 1670, in the reign of Charles the 2d, as the basis of the right now disputed; shewed the foundation of that right, in the invitation and cession of the native Indians, and contended generally, whatever dormant claims Spain might have at different times renewed, the right of British subjects to cut logwood in the Bay of Honduras, was as clear and inequivocal a right as any enjoyed or exercised by any British community in the wide extent of this vast empire; nay the very words of the treaty alluded to, spoke literally to the point, for it mentioned more particularly our settlements on the Black River on the Musquito shore, which was the precise place or district where the two Spanish guarda-costas had committed the depredations complained of. He then turned to the predicted delay and procrastination of the noble lord, in his five times five months. He believed he might venture further; and asked, in point of appearances and humanity, at least, if any steps were meant to be taken, either for the honour of the British nation, or the poor miserable wretches who were now perishing in chains in a Spanish dungeon, who, let the right be as it may, were clearly innocent of any crime, or any imputation of a crime. He was severe on what he termed the noble lord's repeated blunders and mistakes, relative to the establishment of a legislative council on the Musquito shore; the appointment of a superintendant over that settlement, directly from hence, as well as the immediate communication between this country and the Bay of Honduras, through the means of the American department, and Board of Trade, not through the medium of the government of Jamaica, as his lordship had mistakenly asserted. Indeed, he was inclined to doubt, from the specimen of the noble lord's ignorance of any thing relative to our settlement on the Musquito shore, whether he so much as knew that any such country existed.

Lord *North* said, that he observed persons were in the gallery at the time the hon. gentleman spoke; and as he did not take out his glass to see whether any other gentleman had come in since he first spoke, and as several might have since come in, who heard the hon. gentleman's interpretation of his expressions, and not the words or expression themselves, he trusted those gentlemen would give him credit, when he positively affirmed, that he neither said that the trade to the Musquito shore was trifling, or ought to be relinquished, much less that any right, either commercial or political, ought to be surrendered. He repeated now, as he had frequently done in the course of the debate, that reparation must be sought, and obtained in the usual manner; that ministers were not to blame in the least degree; that the present application was premature, and very improperly attempted to be introduced into the House, as the matter of complaint was in the hands of the secretary of state; and that the petitioner had not a colour of reason to support the present application, it not being in the way of official discussion, much above two months. He did not see that a single fact advanced by him had been materially contradicted. As to the legislative council, after all that had been so

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confidently asserted upon that subject, he still believed, that no such council existed. He had heard, that it was no sooner formed than dissolved, the settlers quarrelled among themselves; at least no kind of government authorized from home, was established there. [Here his lordship was again corrected by lord G. Germain.] He concluded, with disclaiming any great knowledge of, or being deeply versed in the science of geography; yet, he was not entirely so ignorant of it, as to suppose towns situated in the North sea, lay within the shores of the Baltic.

Lord *George Germain* confined his observations to his own personal justification. The first notice he had of the affair, was on the 5th of September last, when sir Basil Keith represented it to him by letter, precisely as had been mentioned by an hon. gentleman (Mr. Fox); with all that gentleman's ingenuity and abilities, he was yet to learn, what crime it was to believe that the depredation complained of had been committed by two American privateers, when it was impossible he could know the contrary, or indeed any thing at all relative to the subject. On the 25th of the same month captain Blair called at his house, or his office, he forgot which, and delivered a memorial, stating the facts and the grounds of his suspicions, for they could go no farther. As soon as he received capt. Blair's memorial, he immediately wrote to sir Basil Keith, to enquire into the nature of the affair, and discover the truth of the transaction. Much about the same time, he received an account from sir Basil and the memorialist, stating the deposition of Sund, the mariner, on which, of course, the matter no longer rested in his office. If he was guilty of any evasion, or delay, he was ready to abide the censure of the House; he, however, flattered himself he was not, but had acted in the strictest conformity to the established rules of office, as well as to his duty as one of his Majesty's ministers. He could take no step in it but what he did. If the act of piracy, as it was supposed to be, had been committed by an American privateer, he would, and intended to do all in his power to procure an indemnification for the memorialists; as it was not, there the matter went out of his hands; and he, very properly, referred capt. Blair to the only office through which there was a possibility of obtaining redress. This information came to his knowledge on the 15th or 16th of December; and on the 17th lord Weymouth wrote the letter, and received the answer mentioned by the noble lord. Several letters have since passed on the subject, and while a matter of this importance was in such a state of negociation, he thought it would be highly improper to take any step whatever in it, till the event of such negociation was known.

Sir *Edward Astley* disclaimed any desire of pressing any inquiry or discussion, either in or out of the House, which might be productive of hurrying us into a war with any foreign power. He was well satisfied this was no time for spirited measures against our natural enemies. We had already more than we should, he feared, be able to contend with; but still, he would never accept, as conclusive, of any species of prudential reasoning, which might go to a surrender of any branch of trade, or territorial possession, we were fairly entitled to hold or enjoy. If we conceded in one point, another would soon be demanded of us; and the same reason would hold good in a second, a third, and a fourth, which held in the first, till nothing would be left us to grant. If such, then, were the designs of the court of Spain, he hoped, as a matter of prudence and policy, that we would resist in the first instance any such attempt, and never permit the honour and dignity of this country to be sacrificed to the ambition or weakness of ministers, or to the mad desire of carrying a favourite measure against our own subjects. He thought, therefore, whatever else might be done, it would be extremely proper to ascertain the facts, in order to let Spain know that the nation was not unacquainted with them; and that they had the spirit and inclination to do themselves justice, if justice should continue to be denied. He was pointed on the noble lord in the blue ribbon, on an expression which dropped from him, relative to lord Grantham's civil but firm representations to the Spanish minister. He feared we were rather too civil, and that the boasted firmness was hazarded in consequence of the great civility with which it was accompanied. Such kind of civility and firmness might lead to contempt and disgrace; he was certain it would never procure an honourable reparation or substantial satisfaction.

Mr. *T. Townshend* asserted, that the whole affair was an insult on the British flag, and on the British nation in general. He laughed at the doubts of the noble lord in the blue ribbon, respecting the right to

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the territory in question, and all the subordinate privileges included in that right. He expressed his astonishment at the unfeeling confidence of ministers, who could thus wantonly renounce every claim to humanity, as well as every attention to the honour of their country, by treating with so much levity and inattention the sufferings of their fellow-subjects, the tortures of British seamen, freed daily, perhaps, by death, from the intolerable miseries of a Spanish dungeon. He could not help expressing his astonishment on the noble lord, who spoke first, offering to explain what he was totally ignorant of, or what being well informed of, he chose to disguise and misrepresent: he was confident, that there was scarcely a single person, but his lordship, that was ignorant that a civil government, dependent immediately on this country, was established near the Black River, on the Musquito shore. It was notorious, that lord Dartmouth while in office, made it an object of his attention; nay, he remembered himself, an old acquaintance, a captain in the guards, since dead, who was appointed here, to that government; he having several conversations with him, after his return, on the subject of that colony, the degree of improvement it was capable of admitting, and its peculiar importance to the West India islands, and to the general trade carried on in that part of the world.

Mr. *C. Herbert* observed, that after all that had been offered, two points were incontrovertible, which went equally against the grounds of the petition, allowing that every single fact contained in it was correctly stated; one was, that administration hitherto had acquitted themselves properly in every thing that depended on them; and that the matter was in a state of negociation; so that supposing the petition intended as a complaint, or as seeking redress from that House, there was not the least foundation for either the complaint, or the redress sought by the petitioner.

The question was put, whether the petition should be brought up? It passed in the negative.

Debate in the Commons on Mr. Temple Luttrell's Bill for the more easy and effectual Manning of the Navy.] March 11. Mr. *Temple Luttrell* rose pursuant to notice, and said: It is a fundamental maxim with the excellent writer on the Spirit of Laws, that when any law is proposed which indicates more good than evil to a state, such law ought to be received. The unconstitutional effects, the oppression, and inefficacy of the present mode of levying men for the navy by an impress, are but too sensibly felt by the whole nation. A valuable sea-officer (governor Johnstone) who is a distinguished ornament to this House, and whose private and public character do real honour to human nature, having formerly treated of the practice of impressing, says, "It disgraces government, shocks the spirit of our constitution, and violates the laws of humanity; therefore every plan to obviate the evil, has a claim to a patient hearing and candid discussion." That worthy member's remarks must, I am sure, strike every body, who duly considers them, as just and forcible. Is it not an abominable sight, in a free country like ours, to have a number of sailors, with fire-arms and cutlasses, frequently, in the dead of night, sometimes intoxicated with liquor, making their way into the dwellings of peaceable inhabitants, dragging a sober unoffending subject from his home and settled means of livelihood, to convey him on board an impress tender, from thence to a guard-ship, imprisoned amidst the moral and physical contagion of a miscellaneous, kidnapped crew, to be driven across the seas, no mortal can tell him where, nor for how long a time; and what is still worse, seized by surprize, not suffered to bid a kind farewell to his wife and family, nor have a thought of their future subsistence, when deprived of his care; to adopt a new way of life, perhaps that for which his limbs and faculties are the worst calculated and fashioned by his Creator? And, Sir, is it not a serious matter of reproach to this wise, this liberal nation, never yet to have provided a remedy for such dreadful and extensive sufferings? What tumults, fear, and confusion arise in every city, town, and village, within ten or twelve miles of a press-gang! and what numberless inconveniences to all conditions of persons throughout Great Britain! In 1770, the lord mayor of London represented to the board of Admiralty, that the city of London was so infested with press-gangs, that tradesmen and servants were prevented from following their lawful business. A gentleman in Yorkshire, of rank and veracity, (who was formerly a member of this House) sends me word, that such is at this time the general apprehension in that part of England from a press-gang at Tadcaster,

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that the labourers on his estate are dispersed abroad like a covey of partridges; neither could half of them be brought back to their work, till the steward had given them assurance of his master's protection; still it seems they are afraid to return to their own homes at night, and therefore constantly beg leave to sleep upon straw in the stables and out-houses of their landlord. In the west of England, the public are now so prejudiced by press-gangs, that I have read a letter from Exeter, dated February 24, which observes, that there had been no fish in their town for upwards of a fortnight—a circumstance scarce known within the memory of man; and another correspondent of mine paints the miseries of the neighbouring coasts, in as strong colours as if there were famine, pestilence, or some other awful visitation of Providence—markets deserted, the price of the most urgent necessaries of life thereby greatly enhanced, and numbers of families among the inferior classes of mankind, from the insecurity of the masters of those families, by whose toil and industry they had long been maintained in comfort, reduced at once to the verge of poverty and wretchedness! How shamefully has this unconstitutional licence of the impress been abused at the town of Leicester, where men, the most unfit in every respect for the sea service, were kidnapped, collared with iron, and manacled with cords or fetters, sent up to London, in the basket of the stage-coach, (as I understand) under command of a serjeant of militia, in violation of the most sacred laws of your constitution,—with a heavy local expence, and to no better end than to have them at length put at large, as totally incapable of the errand they set out upon! The animosities within this very metropolis, on the subject of impressing men for the navy, and the law-suits depending thereupon in the courts of Westminster-hall, must occasion much embarrassment and apprehension. In several of the ports along the north-east coast of England, you have actually subsisting, a dangerous commotion among large bodies of sea-faring persons, occasioned by many lawless proceedings of the press-gang, and every day's post brings some new detail of innocent lives lost, or limbs broken in that quarter. Sir, there have been lately no less than 120 men pressed, without distinction, in or about Bethnal-green and Spital-fields, of which between 70 and 80, after suffering every hardship, and leaving their families distressed at home, obtained a discharge, as of no use to the service.

Having already cursorily touched on some of the calamities and unconstitutional outrages affecting those manufacturers, mechanics, and husbandmen, who never exercised, nor had in contemplation, the trade of a seaman, I must next take a short view of your cruelty towards mariners by profession. They are not only liable to the same inhuman violence and surprize with landsmen, but when seized on board trading vessels for the purpose of serving his Majesty, are often imposed upon by fraudulent or imperfect bills, on account of wages due to them for past hire in the trader's employ. The lives of many brave officers and their followers have been sacrificed, or they have come off cruelly maimed by this invidious part of their duty. A multitude of seamen have been drowned by attempting to swim ashore from their ships, or have been shot by the centinels while they endeavoured to escape under cover of midnight darkness; being driven to phrenzy and despair for want even of a shadow of hope, that they might one day or other be entitled to a legal discharge. I remember, Sir, one Robert Fosper, a gunner's mate, belonging to the Resolution man of war, who, having been forcibly detained in the King's service, without remission, upwards of 17 years, twice endeavoured to hang himself, was cut down, and cruelly restored to the same endless bondage. Many tragical events, still more decisive than this, occur in the private memoirs of your seamen. Some die through a gradual vexation and despondency; while others, ere they can be seized on shore, torture and mutilate their limbs to incapacitate themselves for the yoke. What havoc is made during an impress, by fevers and various infectious illness! the captive seamen being crammed unwholesomely together, or too long confined on board an impress-tender. In 1771, during the heat of an impress, the number of sick, in Haslar hospital near Gosport, amounted at one time to 1418. It has been observed by well-informed authors on maritime customs and policy, that the ill consequences of a protracted impress have destroyed more British seamen than the first two or three years hostilities of a foreign war; and a very intelligent writer, (I think it is Dr. Lynd) calls the guard-ship stationed at the Nore, for the reception of impressed men, a seminary of contagion to the whole

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fleet, by persons from infectious prisons, and covered with cutaneous or putrid eruptions. In 1770, and the beginning of 1771, the officer to whom I am indebted for the better part of the proposed plan, beheld ships from 2 to 300 tons burthen deserted at sea, left only to a master, and perhaps three or four boys; cargoes exposed to perish; the lives on board sported with, and property of owners and insurers in a most perilous state. Near 400 vessels were at that period of time, during a warm impress, in this condition on the open ocean: neither yards lowered, nor topmasts struck; most of them deeply laden, and without strength sufficient to purchase or weigh an anchor, owing to a general apprehension among the sailors of being compelled to go immediately on a foreign voyage, without reasonable expectation of ever being released, and feeling for that pain and anxiety which they were sensible their wives and families must labour under, on their account.

There has frequently been given by the owners of ships thus abandoned on the waves, so large a sum as from 25 to 30 guineas, to superannuated sea-faring men, to bring the vessel into a place of safety, while the project of its voyage has been altogether demolished. A very serious danger likewise arises to the public, when seamen, belonging to ships coming home from the Levant, and places accustomed to the plague, break quarantine, and run the risk of a civil law sentence, rather than be pressed to serve an unlimited time, to be sent abroad again without seeing their home or visiting their relations, and allowed no prospect of some final period to their servitude; never, Sir, to rest unmolested on their native soil. A heavy tax usually falls on commerce in general, while an impress rages; partly from the exorbitant pay extorted by sailors, and partly by the detention of ships, for want of men. Consider, too, the numerous poor belonging to sea-faring persons, with which the parishes throughout this kingdom are burthened, during press warrants, or in consequence of an unlimited term of service. Certain I am, that no compulsory propositions, no encouragement nor lure whatever to seamen, no increase of bounty-money will avail so as to supply the numbers necessary for war, without a limitation of the servitude required. Unpopular methods are ever abundantly more tedious and expensive, than those where the people concur with government; and as with men serving voluntarily, contentment is a natural consequence, so from that contentment must arise a zeal and alacrity, which will render 50 men capable of performing more real service than 70 could accomplish, whose actuating principles are directly repugnant to such spirit and energy. While an impress is in force, besides the high amount of bounties, you are at the charge of employing from 4 to 5,000 seamen on that duty, which, together with the guardships for receiving pressed men, the tenders, and various out-goings, amounts to such a charge, that at a very moderate computation, every impressed man actually retained for service, costs the nation 30*l.* sterling, besides near as many seamen as are employed in the impress, rendered of little use on the seas, from the necessity there is of putting several of those who can be trusted, into guardships, for security, and sending others on board merchant-vessels in lieu of impressed men.

The impress, we know, fails us much in point of number as well as of expedition. The French, by means of a marine register, fit out their ships of war to a certain degree of strength, perhaps near 40 sail of the line, far more expeditiously than we can: this has been proved at the commencement of former wars; and hence you must have been totally destroyed in the East Indies, early in the war which began in 1755, were it not for the extraordinary skill and exertion of your British seamen, and the prowess of sir George Pocock, who repeatedly engaged the enemy, with a force much inferior to theirs. When an alarm of war was sounded throughout Great Britain and Ireland in 1770, press-warrants were issued and continued in execution five months: you then swept the refuse of gaols, and the outcasts of almost every town and hamlet, yet you scarce increased your mariners (officers and servants exclusive, and without reckoning marines) to the additional amount of 8,000. For the naval service of the current year 1777, we have voted 45,000, including 10,000 marines; and the best parliamentary authority that can be quoted, since the weekly accounts have been unwarrantably and unprecedently denied to this House, gave us to hope, nay, to rest assured, that the whole number voted, would be raised by virtue of these press-warrants; adding, that 40 sail of the line were to be ready for sea, and completely manned, before the end of Feb-

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ruary. Sir, those 40 sail of the line must require above 24,000 men. We are now in the month of March—press-warrants in force between four and five months—we have about 14,000 men in Great Britain and upon home service—possibly as many in North America, and 4,700 employed in the Mediterranean and East or West Indies; in all, from 32 to 33,000 men, of which near 10,000 are marines, and more than 7,000 officers or servants:—of the remaining 16,000, we may allow one-third or upwards; say 5,340, to be complete able seamen, and scarce 2,400 of those are in Great Britain; the remainder of the ships' complements are ordinary seamen or landmen: that is, in Great Britain at this day, between 7 and 8,000 sailors of the royal navy; officers of all ranks, servants, &c. and marine-soldiers exclusive. Such is the fact as to the present state of your fleet; and it would better become the wisdom of parliament to remedy the deficiency, than vainly to endeavour to conceal it from the penetrating observance of the Bourbon courts, and from their agents or emissaries. I do admit that you have a goodly show of pendants and streamers waving at Spithead; but, so far are they from being formidable, as their appearance bespeaks, that your ships hardly ride secure against the equinoctial gales of the present season; much less are they in any condition to put to sea, and bid defiance to an enemy: they may serve for a May-day pageant, or a pantomime, regatta-like parade, during the serene of the approaching summer. I expect to be told, with an air of triumph, that your guardships have many supernumeraries; but this is a mere subterfuge. We hear of supernumeraries, when the men of war which bear them by order, actually want some hundreds of that complement of seamen, which would be necessary for action. Of the long list of ships of the line commissioned in addition to your former peace establishment, is there one manned? Even the Monarch, that crack-ship of the whole armament, which was so boasted of, as being the most forward of your supposed fleet of observation, how was she fitted at Portsmouth? Chiefly by those riggers, whom the zeal and activity of the commander induced him to employ, out of dock hours, at his own private charge, to equip her for a Spithead voyage. And how was she got thither, when ready? By the seamen from other ships; which seamen she was obliged to detain, till she was safely moored; the rest of your new fleet repaired to Spithead, in much the same, or worse condition: I believe the St. Alban's, of 64 guns, was the last of them; she sailed from Portsmouth harbour, Feb. 28, and mustered about 177, including officers, servants, boys, and raggamuffins: for, out of that number, she had only 24 or 25 able seamen: yet, Sir, if this want of men were to be supplied by the assiduity or private munificence of the captain who commands her, sure I am, from the general character he bears, there could be no grounds for so disadvantageous an allegation as I am now stating. Numbers alone, whatsoever the levies may prove, seem the primary object with the Admiralty, and regulating-captains; that an ostentatious account may appear upon paper, and a plausible one be held forth to parliament and to the nation; yet when these kidnapped and bludgeoned recruits are received on board his Majesty's ships, and found not to answer any good purpose, they are quickly dispatched, as sick, to the hospital, where they are, from time to time, examined by certain commanders of the royal navy, who are directed by the admiral at the department, to discharge all such men as may be found unserviceable. A friend of mind was lately witness to seventy of these poor wretches being turned adrift in one morning. But, Sir, the custom of manning your navy, by impressing, can assume no better argument in its justification than state necessity; a tyrant plea, which has done such immeasurable mischiefs in the best constituted governments upon earth. Even that plea, weak as it is, with so arbitrary, so savage an application, could only assume the colour of reason, till some more effectual expedient were discovered.

I presume, Sir, I shall not hear repeated, within these walls, a false and injurious idea, sometimes ignorantly advanced without doors, that compulsion alone can insure the public duties of a seaman. The Bill I am to move leave to bring in, will afford a competent remedy; it is founded on principles strictly just and constitutional; replete with honour and economy to the public, and according to the present establishment of your fleet, will save the nation a very considerable sum annually. The Bill is advantageous to the masters and owners of merchant ships, as well as to all persons whatever concerned in commerce; it is highly beneficial to the sailor, by augmenting his

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wages, limiting his time of service, and providing for him under the infirmities of age. Your seamen will henceforward be plenty in number, more healthful and vigorous, better qualified in their profession, rendered comfortable and content; and that valuable body of subjects, to whose unparalleled address and exploits on the guardian element of your empire, the whole British community owe freedom, opulence, and martial renown, be no longer the only slaves under the sanction or connivance of law, at least on this side of the Atlantic.

The principles and provisions on which the Bill is founded, have been thoroughly canvassed and approved of, by the most respectable professional gentlemen—many merchants, proprietors of trading and coasting vessels, and private mariners; which will be made evident by the original letters and testimonials I have in my hand; and some of which I shall, ere I sit down, take the liberty of reading to the House. With respect to the inventing and arranging this plan, it is chiefly the production of a most ingenious sea officer, who has had the experience of near 28 years, either in the royal navy or merchant's employ; a love of his profession, of his country, and some heart-felt sensibility, for the sufferings of his fellow-subjects, were the motives which first induced him (near seven years ago) to the pursuit of so great and desirable an object. The considerable space of time during which he was heretofore employed to raise men for the navy, made him an eye-witness to those scenes of general calamity, and of private wrong and hardship, which shocked his nature; he therefore has sedulously devoted his talents, ever since 1770, to prepare and accomplish this public-spirited task; his constitution and his circumstances have been much impaired by the journies he has made to several ports in this kingdom, with a view to ascertain the interests and opinions of navy people universally; besides the cost of a voluminous correspondence by letter, on the subject: and, Sir, whatever may be the fate of this Bill, sufficient praise can scarce be given to his zeal, and useful tables of calculation, or to the diffidence, patience, and persevering temper of mind, with which he has (under much discouragement) submitted to various strictures and additions to his work, and by which he has profited, so as to bring it to a perfection beyond his most sanguine hopes; yet, however confident he or I may feel ourselves, from the encomiums that have been bestowed upon it, by the most intelligent authorities, we are still aware, that some particular articles contained in this Bill may be found to want amendment, when it comes before a committee of the House: presuming only on the propriety and urgent expediency of its principles and general designs, we shall cheerfully submit its minuter form and correction to the judgment of the legislature; but however, Sir, when we are to debate it clause after clause, I have the vanity to flatter myself, I shall be able to obviate many an apparent obstacle, which naturally may arise to very discerning understandings, at first sight. Reason, justice, the good of the nation, the voice and wishes of all descriptions of persons, plead loudly in favour of such a Bill; and, I hope no partial enmity or jealousy, no party spleen, no official recision or diminution of perquisites at any board, will raise up enemies for its destruction. I believe there is not an independent gentleman here, but feels a strong repugnance to the iniquitous, unconstitutional mode of pressing, now in use, and perceives the immediate jeopardy in which your inferior manufacturers, artisans, and husbandmen, stand in every part of the realm. These considerations, I trust, Sir, will tend to accelerate a remedy. At present there will be no occasion for me to enter further on the principles of the Bill at large, nor its constituent sections, than to produce proofs of the very favourable opinions by which it is upheld without these doors, by the most eminent commercial and professional characters, and to evince the sense which the common sailors have of its utility and salutary operations, if carried into a law. When I consider, Sir, the great loss we have of late unhappily sustained of our most flourishing marine nurseries—of that continual influx of seamen, from the population and extensive commerce of the North American colonies; when I consider too, this same important addition to our former power, thrown henceforward into the adverse scale of whatever potentate shall, justly or unjustly, first wage war against us, I cannot but be convinced that our salvation, as a people, depends upon some effectual method of expediting our naval equipments, and rendering them truly formidable, by giving due encouragement to able marines, and inducing the lower orders to train up their children in a profession which constitutes

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the only natural, the only strong bulwark of defence to our liberties, our wealth, and our glory.

After Mr. Luttrell had delivered his sentiments as above, he read the following professional and commercial testimonials, in favour of Mr. Tomlinson's plan, the great outlines of which are the foundation of Mr. Luttrell's Bill. The first paper produced was an extract of a letter to lieutenant Tomlinson, from an officer, who not only holds a distinguished professional rank in the royal navy, but is greatly respected for his literary reputation and abilities (captain Edward Thompson:) "I shall detain you no further than to assure you, that my first pride is the public good. I confess I like your plan better than any other, even than my own, for I have wrote much on the subject." The next testimonial was from a very experienced navy captain, who some time since had the command of a ship of 74 guns, at Portsmouth: he writes to Mr. Tomlinson, in the following terms: "I have not lost sight of your laborious work, but frequently discourse on the subject, with those that may be of use to you; and we agreed, that administration would be driven to the necessity of adopting your plan, much sooner than you may perhaps imagine; for the great difficulty of getting seamen to embark with us at present, too plainly shews the nakedness of the land, as well as the nakedness of all arguments used to prevent this country benefiting by your great and good work. The times at present appear to me so wild, it will be absolutely necessary to call upon you. The nobleman, (lord Sandwich) may register, review, and muster the seamen, if he pleases, when all the world is asleep; but now I am sure he will review a choice of difficulties in manning the fleet, by the usual mode."

Mr. Luttrell then said he would take the liberty of mentioning what was written to Mr. Tomlinson, respecting the principles of his plan, by a flag officer of the most exalted naval character, now employed on a very important command (lord Howe); and as it shews the humanity and benevolence of that noble lord's heart to be equal to the intrepidity of it, he conceived that the availing himself of so favourable an authority, during his absence, could not possibly give offence: "It was my ignorance of your address, that made me thus late in acknowledging the receipt of your favour of the 30th past, enclosed with your ingenious plan, for manning of the navy in time of war, without recourse to the usual method of impressing; ever no less painful to the officer executing the injunction, than severe upon the unfortunate sailor, who is to be forced into the service." It would be needless to detain the House with a further correspondence of this kind; though he had several more letters in his hand, couched in the strongest terms of approbation on Mr. Tomlinson's undertaking, from many other experienced officers, particularly one from a captain in his Majesty's navy, now in commission, who having seen a great variety of service had often declared it his fixed opinion, that it would be impracticable to man the fleet, without an impress; but upon reading lieut. Tomlinson's propositions, gave up that opinion, and acknowledged that it would be both practicable and easy, and replete with advantage, as well to the royal navy, as to the merchants' service. The following are the commercial testimonials.

Mr. Richard Maitland, lately a very considerable merchant in London, gave his opinion to the earl of Dartmouth, when first lord of trade and plantations, on the said plan, in the following words: "I cannot find out any objection which the merchants can possibly have to an act of parliament being founded on the principles of lieut. Tomlinson's plan; for, in my opinion, it is calculated to promote the interests of trade and commerce, so very far beyond any thing of the kind, which I ever saw or heard of (though I have been consulted upon many schemes, written with a view to the same end) that I suppose the mercantile people in general, would be much favoured by such an act being passed. I acknowledge myself to be pretty well acquainted with the outlines of the naval service, therefore several objections arose to me in the course of reading it; but by the answers to the objections stated in that plan, all my objections were fully and satisfactorily answered in every respect, not superficially, but solidly and minutely. Finally, the distresses which Mr. Tomlinson has described trade and shipping to labour under, in times of impressing are not aggravated, but strictly true." Several intelligent persons, well acquainted with the coal trade, concerned in shipping, and many years at sea, as masters and owners of ships belonging to Sunderland and Shields, wrote Mr. Tomlinson the following letters: 1st letter;

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"I have taken all possible pains to get your plans dispersed from one to another, as fast as they could read them; and have the pleasure to acquaint you, that they meet with general approbation." 2d letter; "When I got home I made your plan for manning of the navy, as public as possible, at Shields and in its neighbourhood, and very opportunely received the additional copies you sent me; and before I sailed again I had the satisfaction of knowing that they had been read by almost all the owners and masters of ships, who are supposed capable of forming a proper judgment thereon, and have the pleasure to assure you, that your plan meets with general approbation at Shields."

The three following letters are from a gentleman of the committee of trade, at Sunderland, who has had much experience at sea. 1st letter; "I laid your improved plan before a very respectable meeting at our committee-room, about a week since, when it met with the approbation of all present. In the number of these was C. B. who told me he thought the plan, since the alterations, so perfect, that he would not only sign it himself, but use every means in his power to promote its success. He has since informed me, that he spoke with our high sheriff on the subject, who so highly approved your plan, that he promised to write in its favour to several members in parliament, as our county and city members, and to sir W. M. &c. I hope to meet with the concurrence of most of our magistrates; and the little influence I have, shall be exerted in favour of a plan as worthy of public encouragement and patronage, as it is promotive of public good." 2d letter; "Since my last, the sailors were desired to attend at the Long Room in this town; a great number accordingly came, when your plan was proposed to them. They seemed very sensible of the many advantages which would accrue to them, should it be carried into execution, and several warmly expressed their approbation of it, but were unwilling to sign their names, lest some secret design should be in agitation against them; and being apprehensive, from its being proposed to them, at the present juncture, that it is only a temporary expedient to man the ships going to America." 3d letter; "I have sent your paper fully signed, by the ship-owners, &c. of this place; your plan is also universally approved of at Shields."

The following is a copy of what was signed at Sunderland, by 163 of the most intelligent persons in that town: "We whose names are hereunto subscribed, who are at present, or have been, many years, owners and masters of ships in the coal trade, and in various other trades, having read and considered a plan for manning of the royal navy, in case of emergency, without having recourse to the usual mode of impressing the seamen, by lieut. Tomlinson; we are of opinion, that the said plan is calculated to answer the interests of trade in general, and of the coal-trade in particular, so essentially, that it has our sincere good wishes for its success in parliament; and we do suppose, from our own experience, that it offers such encouragement for seamen, as will induce them to serve in his Majesty's navy voluntarily, and with cheerfulness and alacrity, when the safety of the kingdom, or the honour of the crown, shall require their services. And in the fullest confidence of the great utility of the said plan, we have hereunto set our hands under a common seal, this 14th January 1776."

A writing exactly similar to the above, has been signed by near 100 owners and masters of ships, belonging to Shields and Newcastle, besides the above number of 163 belonging to Sunderland. A gentleman of Newcastle, who has lately written an ingenious commercial essay, says, "A nation possessed of numerous seamen, one would suppose, could seldom be in want of them to man its navy. Yet we find, that in England, we are generally obliged to have recourse to the arbitrary and expensive method of impressing. The chief probable causes, why men do not enter, are the uncertainty when, if ever, they may be discharged; and the knowledge of the great increase of wages in the merchant service, always consequent on the breaking out of a press, and during the want of men for the navy. These causes lieut. Tomlinson, in his excellent plan, has greatly obviated."

A worthy alderman of Liverpool, who bears the character in that borough, of being the principal promoter of all the late improvements in the navigation there, after deliberately considering Mr. Tomlinson's original plan, wrote to him as follows: "I have heard and read many schemes to prevent impressing, and I acknowledge your scheme to strike the nearest to the mark, of any thing I ever met with, especially that main inducement, of seamen not being liable to serve

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again, after three years service; this I communicated to a Sunderland seaman, who is a harpooner in a Greenland ship, belonging to me, when he bluntly answered: 'Master, if seamen were to be set at 'liberty, after serving three years, the navy 'would never want men.'" The alderman after that says, "I had so great an opportunity of seeing the dismal effects of impressing at this port, during the time of eight regulating captains, that I am assured the impressed men here, who were delivered to the guardships, lay in 40*l.* a man, great numbers making their escape, even whole tenders' crews; and many merchant's vessels, with their cargoes, were lost, by the seamen quitting their vessels. My spirits sink at the thoughts of it, and no person can more ardently wish for a scheme to prevent the calamities which attend impressing; and though I would rather have trade suffer for a time, than government should be in danger, through want of seamen; yet every thing, in reason, should give way to prevent the calamities above described." And in justice to the said alderman's attention, to perfect a scheme of this sort, he made seven objections to certain clauses in Mr. Tomlinson's first plan, and nearly the same having been made also, from some other sea-ports, they were all obviated in a revised edition; therefore Mr. Luttrell did not mention those objections.

Mr. Luttrell then acquainted the House, that as the authenticity of so material a parchment as he would next produce, was necessary to be established on the best grounds, he had desired a person to attend, who, from his own knowledge, would confirm the voluntary and uninfluenced motives, which occasioned the signature of no less than 513 seamen, at one house, in favour of the principles whereon the Bill is founded. Mr. Hance Newsam, the witness at the door, would convince parliament, that these seamen had not been wrought upon, by money, liquor, or any undue influence, but from their own feelings, and a real sense of what tended to their own interest, as well as that of their country. And the said evidence could farther prove, that many thousand more would have signed, but from an apprehension that the Bill would miscarry, and that then their signatures might ensnare them to serve under the present coercion and hardships. Another important fact, that witness would likewise establish, that, there are some thousands of seamen, in the interior parts of the northern counties, who would most cheerfully, and instantly, have entered upon the conditions of the plan on which the Bill is founded. Mr. Luttrell was likewise inclined to call witnesses to the bar, who could have spoken to the following fact, which must have somewhat disconcerted those members, who confidently assured parliament, that seamen were at liberty to chuse their own ships, and had little reason to complain of their servitude. Several of the crew of the Glasgow man of war, after having been five years in America, and stood an engagement with commodore Hopkins, which was here dilated into a signal triumph, notwithstanding their dutiful petition to return in the same ship, and under those officers to whom they were attached by their common dangers and victories, or else to be allowed to enter on board some one of the ships (not half manned) in Plymouth harbour, and destined for a foreign station, were cruelly forced, without once setting foot on shore, to return again across the Atlantic, in a foundering transport, the most ignominious service imaginable, to seamen of their description, with unknown officers, double duty, and a prospect of American captivity. The company of another man of war, which a few months since returned from a foreign voyage, and was dismantled at Deptford, after being abroad five years, only solicited two years' pay, and a month's leave, to visit their friends after so long an absence; and, by way of assurance to the Admiralty, that they would return to whatever ship they should be ordered, after the expiration of that month, they would leave three years' pay in the hands of government; but, astonishing cruelty! they were denied this reasonable request, and a tender was sent along-side the ship, when they were all taken out of her, and put on board the Prince George of 90 guns, to take the chance of such service as she might be ordered upon. Mr. Luttrell concluded with moving, "That leave be given to bring in a Bill for the more easy and effectual Manning of the royal Navy, in times of war, and for giving encouragement to seamen and seafaring persons, to enter voluntarily into his Majesty's service."

Sir *Edward Astley* seconded the motion, and pointed out the cruelty of impressing seamen, from their wives and families, and after long voyages made to the West Indies. He said, it was a most barbarous practice; and if at all legal, could be jus-

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tified only on the ground of necessity. It was a duty incumbent on the legislature, to devise some means to render such a custom unnecessary. He called on every side of the House for their assistance, and hoped, that all party or personal distinctions would give way to the public good. Was the present mode of impressing oppressive? Did it fall short of the exigencies of the state? Was it productive of private ill, and public mischief? If so, then how was it possible that a second opinion could prevail? The principle on which the motion was taken up, was clearly incontrovertible; the means of redress remained only to be considered. He hoped every gentleman who had turned his thoughts to the subject, would deliver his sentiments freely; and that, from the whole, something would be wrought up, that might be the means of putting a stop to the evils daily felt by the most meritorious body of men in this country, and of removing those well-founded terrors, which hang suspended over the head of every man in the kingdom, who ever had the misfortune to have been at sea. The present plan might be capable of great improvement. The House might think proper to reject or adopt in part, or the whole. They were not previously bound to adhere to any particular mode of remedying the grievance; to remove it, was their sole object; the manner of doing it, was of no consequence.

Mr. *Buller* replied to the facts stated by Mr. Luttrell, contradicted many of them, and controverted the greater part of the deductions drawn from them. Mr. Luttrell having asked, if any one ship of war, fitted out since the press-warrants were issued, had its full complement of men on board? Mr. Buller replied in the affirmative, and asserted generally, that by the latest accounts, every ship commissioned since the impress had their complements nearly full.

Mr. *Luttrell* said he was ready to give up the point, if Mr. Buller, or any other commissioner at that board, would rise and specify a single ship which had, by the last returns, received at the Admiralty board, its full complement, if commissioned since the press-warrants were issued. He urged the lords of the Admiralty, to decide the point, by producing the last weekly account, which never, till the present naval-administration, were denied to parliament.

Sir *Hugh Palliser* declined giving a specific answer; but affirmed, that the whole fleet now preparing for sea, would be completely manned, much sooner than any naval force that could be sent out by France or Spain, and in every respect superior in strength to any force it was possible for either or both of those powers to fit out or equip.

Sir *George Yonge* supported the motion, on the grounds of expedience, and the hardships the British seamen were exposed to, while they were subject to be dragged from their wives, children, and dearest domestic connections.

Governor *Johnstone* declared his abhorrence of the present mode of manning the navy, by issuing press-warrants. He observed, that though no motive of humanity were to operate on the House, the very tedious and ineffective manner the pressing service was carried on, was a sufficient reason with him, to see if any other mode, more expeditious and efficacious, could be devised. He would support the motion, because it was apparently well intended. It was no partial scheme which was offered to be adopted, or rejected, *in toto*. No member was bound to abide by it. On the contrary, it was the duty of every member, to do all in his power, in this stage, to throw out his sentiments on the subject, in order to enable the hon. gentleman, to whom the public stood so highly indebted for even the attempt, to render the Bill as unobjectionable as possible, on its first introduction into the House. He professed his total ignorance of the plan, or what were the intended objects of the Bill, farther than the terms of the motion conveyed; but he wished, nevertheless, that the House should be in possession of it, as the first step to a reformation of an abuse of legal power, or a violation of the laws (take the custom of pressing in either sense) so loudly complained of.

Lord *Mulgrave* agreed in the justice of the remark quoted by Mr. Luttrell, from Montesquieu, that when any law is proposed, which indicates more good than evil to a state, such law ought to be received. But he said it was no less true, that institutions, which had been proved useful, by long invariable practice, should not be lightly changed, upon the suggestion of evils which either did not exist, or bore a very small proportion to the advantages arising from the measures that produced them. This, he said, was the case of pressing, which had always been practised in this country, in times of war, or

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appearance of war; and the flourishing state of our commerce, and the superiority which our navy had always maintained, were the best proofs of the advantages of that mode of manning. The House should, therefore, be very careful how they admitted any plan, which might express to the public their disapprobation of the present method, unless they were convinced that one, attended with more advantages and less inconveniences, could be adopted, as they would otherwise risk no less than the destruction of our commerce, and the annihilation of the navy. He said, however, that if the present method were unconstitutional, it would be a strong motive with him, for considering any plan which might give any hopes of removing an objection so alarming in a free country; or, if this matter had never been discussed before, it might be a reason for examining with great attention, any plausible plan; but as neither of these seemed to be the case of the present motion, he must oppose it.

He said, he never could consider a measure as unconstitutional, which originated from one of the fundamental principles of the constitution of every free and warlike people, "That it is the duty of every individual, to defend his country when attacked, and to protect its liberties, and assert its honour." By the constitution of this country antiently, many estates were held by the tenure of serving the king in war, and that, in case of invasion, every body was compelled to bear arms; the seamen were always obliged to defend the commerce, and protect the coasts; that by the militia laws, men were compelled to serve for three years, at much less than they could earn in their own occupations; that the great disproportion between the number of inhabitants and of militia men necessary, and the certainty of finding those men, made a limited service and the taking by lot practicable, but that the men on whom the lot fell, were absolutely pressed, and all the hardships so emphatically described, but improperly attributed to seamen, might be pleaded in their favour, who were taken from their families, and deprived of the means of supporting them. That all that had been said of the hardships landmen had been exposed to, had nothing to do with the press-warrants, which only authorized the impressing seamen, and that if any abuse had been made of them, the persons were amenable to justice, and the parties injured had their legal remedy. But he was happy to find, that no such abuse, by sea officers, had been stated; the story of the Leicester men, on which so much stress was laid, had nothing to do with either navy officers or press gangs, but was a transaction of country justices and a militia serjeant, under one of the vagrant Acts.

He said that no objects had been more fully considered, or more wisely provided for, than the encouragement of seamen, and the manning of the navy; more than twenty different Acts, to answer those purposes, having passed from the time of the Register Act in 1696, to the present time. He then stated many advantages provided by those Acts. He added, that he could not help observing, that as often as this matter had come under the consideration of parliament, a doubt had never been expressed of the necessity, expediency, and propriety of pressing; but on the contrary, during the Whig ministry of queen Anne's reign, a period when the constitution was as well understood, and as strictly adhered to, as at any time in the annals of this country, a committee appointed in the year 1705, to consider of the most effectual methods for manning the navy, had come to several resolutions to enforce pressing, authorizing justices of the peace, and others, to search for seamen, lying concealed, offering rewards for discovering them, and inflicting penalties on such as concealed them.* The present scheme had not even the claim of novelty to their attention, as one similar to it, but not so exceptionable, had been proposed in a pamphlet published by one Hodges, in king William's reign, the year before the Register Act, when this subject was under the consideration of the legislature. He said, that if the cause of pressing was considered, it would immediately be seen, how improbable, if not impossible, it must be, to man the navy, in war, by any other means. That the present proposal seemed to proceed upon an idea, of the King's service being so disagreeable to the seamen, as to make some new encouragement necessary, to induce them to enter it; but the contrary is notoriously the fact; as it is known, that upon the ordinary peace establishment, the navy is always manned by volunteers; for although the nominal pay, on board the fleet, is less than in merchantmen, yet not being subject to the deductions and impositions too often met

* See Vol. 6, p. 518.

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with in them; from the employment being constant, the work lighter, the provisions better, together with the prospect of preferment to the meritorious, and the certainty of provision for those who were disabled, by accident or infirmity, the seamen prefer the navy to merchantmen. He said it was not difficult to account for the change of sentiments in war, every body knows the effect of a demand for labourers, in every branch, on the price of labour; this was sensibly felt on an armament; the merchants were obliged to give greater wages, to induce men to quit other ways of life, and under these circumstances, it was not to be expected, that any thing but compulsion, would bring seamen, at the usual wages, into the navy. The fate of the Register Act (which after a trial of fifteen years, at above 500,000*l.* expence, was repealed, as having produced no good effects, but occasioned much charge, vexation, and trouble) proved how ineffectual prospects of future advantage were, when put into the scale against the temptation of a great present increase of wages.

The expedients proposed by this plan, would be found either impracticable, inconvenient to the state, or injurious to the seamen. A limitation of the time of service in war, without entering into arguments of the inexpediency and impracticability of discharging disciplined men, to receive others in their room, at the moment of going upon service, or in distant countries, would be found impossible, when it was considered, that the whole stock of seamen, in the merchant service, in peace, did not exceed 60,000, and that the number employed as such, in a war, in the navy alone, amounted to 80,000: that it required no less than the enormous wages given by the merchants, in war, to tempt foreign seamen and natives, from other occupations, to go in their ships, aided by the many wise regulations and encouragements provided by the legislature, to supply that stock, without affording enough for a rotation; that this country was not in a situation to make such an increase to the pay in the navy, and Mr. Tomlinson seemed to be aware of that, and proposed a limitation of the pay in merchantmen, which so far from tending to man the navy, would cut off the source from which it was supplied, and instead of benefiting, would materially injure the seamen; at present, those men who were pressed at first, were no worse off, in point of pay, than if no press had taken place, (to which the rise of wages must be attributed) and every man who escaped the press, was benefited by the advance of wages, in proportion to the length of time he escaped: that the power of pressing was not open to the temptation of abuse, as those only who ought to be the objects of the press, were those whom the officers would wish to take. It was not, as had been represented with so much eloquence, "to drag the unoffending subject from his house and settled means of livelihood, to adopt a new way of life, for which his limbs and faculties are the worst calculated and fashioned by his Creator." It was not the weak, timid, infirm landman, but the active, healthy, brave and practised seaman that was to be taken; and though it might be natural enough for such men to prefer enormous gain, to the service of their country, he could not think them too hardly used, if they were compelled to defend that commerce, when attacked, to which, in times of security, they owed their support, to assert the honours of their country, and share the spoils of her enemies, and to vindicate their right, by their own actions, to the name of an English seaman, which carried with it respect in every part of the world. The question now was, whether the House would adhere to a practice, authorised by the spirit of the constitution, and justified by the successful experience of all the wars of this country, or by adopting the motion, endanger the existence of our commercial interests and naval power.

Sir *George Savile* said, this was the first time he had ever heard it asserted, in the same debate, that neither peace nor war was a proper time for reformation. Some gentlemen said, war was not the proper time for innovation, or reformation; other gentlemen make a similar objection to a season of peace. He begged leave to retort a simile in support of his sentiments, on this species of ministerial logic. A person who had a fire engine to dispose of, offered it to his neighbour for sale, in order, as he said, to preserve his house from fire. The neighbour replied, No, I do not want it, my house is not on fire. Anon, his house is on fire; he applies to the owner of the engine, and tells him how much he is in want of it; but is answered, that it has been long since disposed of.

Mr. *T. Townshend* said, it was the first time he ever heard a syllable offered against the principle of such a Bill; or the present mode of pressing for the sea service

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defended. There had not been a great man, who directed the affairs of this country for the last century, who did not acknowledge the necessity of framing some law, to prevent the evils proposed to be remedied, by a Bill of the nature now moved for. There might have been differences in opinion as to the provisions of the Bill, but never a single difference, as to the propriety of providing a certain number of seamen, within a certain period, on the probable approach of a war, or the time of being actually engaged in one.

The *Attorney General* said, he never recollected that a motion was made to bring in a Bill, without at the same time explaining the heads and main objects of the Bill to the House, in order that the House might be enabled, in the first instance, to judge of its propriety. The hon. gentleman had evidently departed from that fundamental rule of parliamentary usage; and, as he had, he should oppose his motion.

The House divided:

Tellers.

Yeas	Mr. Temple Luttrell - - Sir Edward Astley - -	52
Noes	Mr. Buller - - - - - Mr. Penton - - - -	106

So it passed in the negative.

The King's Message respecting the Arrears of the Civil List.] April 9. The King sent down the following Message to the Commons:

"George *R.*

"It gives his Majesty much concern, to find himself obliged to acquaint the House of Commons with the difficulties he labours under, by reason of debts incurred by the expences of his household and of his civil government; which, being computed on the 5th day of January last, do amount to more than 600,000*l.* His Majesty relies on the loyalty and affection of his faithful Commons, of which he has received so many signal proofs, for enabling him to discharge this debt; and that they will, at the same time, make some further provision, for the better support of his Majesty's household, and of the honour and dignity of the crown."

Ordered to be referred to the Committee of Supply. A similar Message was sent to the Lords.

Debates in the Commons on the Arrears of the Civil List.] April 16. The order of the day for going into a Committee of Supply to take into consideration his Majesty's Message of the 9th being moved,

Lord *John Cavendish* moved, "that the said order be discharged." His lordship stated his objections on two grounds; first, on the manifest defectiveness of the accounts; and secondly, to the excess of expenditure. The former, he said, came unaccompanied by any voucher, or collateral, or explanatory observation, that could give them an air of authenticity, worthy of the attention of that House; the latter, relative to the excess of expenditure, came tolerably well vouched, and bore the most ample and authentic testimony, that the excess had arisen from causes which would not bear the light. The manner of fabricating the accounts, and of stating the excess, helped to explain each other. The accounts just stated the disbursements, without telling to whom, or for what particular service: the excess, of course, was the consequence of such a statement; and shewed, that it arose, but not why it should be provided for. His lordship next went into several comparative estimates of the out-goings of the two periods of eight years of the present reign, with the like periods of the preceding reign, and demonstrated clearly, that taking the 16 years of the present reign, and comparing them with 16 years of the late reign; or taking an average of the expenditure of both reigns, that, making every allowance for increase of family, and advanced price of the necessaries of life, the fair expenditure of his present Majesty ought to be some thousand pounds a year less than his predecessor. His lordship next separately observed on the heads under which the excess arose; on the cofferer's account, board of works, pensions, annuities, secret service, and ambassadors: he took a particular view of each of them, and shewed, that instead of increasing, they ought, from every appearance without, and from every motive within, to have been considerably lessened. He adverted to a saying of James the 1st, that we ought to have an army of ambassadors; whether such an army were now necessary, when we already were burthened with a standing army, he would not pretend to decide: but he was certain, if the gross sum charged in the account was truly stated, we at least paid for an army of ambassadors. We ought to have a larger corps of diplomatics than even the negociating James had; for certainly they cost us almost as much

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as his whole household. His lordship, after descanting pretty fully on these several matters, said, he should have expected a saving instead of a deficiency within the last eight years, because the revenue of the princess dowager of Wales had ceased during the last five years, which the public had a right to expect, would have augmented the royal income to a very considerable amount; nor had the expence of the prince of Wales and the bishop of Osnaburgh, amounted to a fourth of what lapsed to the crown, by the death of that princess. The honour and dignity of the crown was the common pretext on which applications, such as the present, were always founded; of course, he should expect to hear them pervade the whole of the ministerial language of this day; but in his opinion, if the minister had the honour and dignity of the crown at heart, he would have applied to parliament earlier; nay, he would have annually applied to parliament, as the debt was incurred. Parliament would most probably have taken, or devised some mode of lessening the outgoings; of retrenching unnecessary expences: they would, as a part of their duty, have enquired into the state of the expenditure of the Civil List revenue; and if they discovered, as most certainly they must, any abuses, they would rectify them, or totally remove the cause. Such a proceeding would have had several salutary effects, besides the mere saving; it would have rendered the King easy in his private capacity as a gentleman; it would have rendered any augmentation of the Civil List revenue totally unnecessary; and it would have preserved, what no man in that House was more solicitous about, it would have prevented the lustre and dignity of the crown from being lowered and tarnished; and its subjects from being burdened, plundered, and oppressed. His lordship pressed, with great earnestness, and force of reasoning, the dangerous consequences which would probably arise from an augmentation of the Civil List revenue, and the consequent increase of the influence of the crown, already become much too powerful. He insisted, it would add to that depravity of morals which was known so much to prevail; it would have the same effect, that an uncontrolled revenue has upon the people in arbitrary countries, where they follow and attach themselves to the court, in order to procure places; which prevents them from directing their pursuits to industry and those liberal professions and occupations, which render men at once useful and ornamental to society. Finally, his lordship observed, that the noble lord who now presides at the Treasury, and made the present application, was minister in 1769, and came then, on the same errand, for a sum of money to pay the King's debts; and, as well as his memory at this distance of time could serve him, he then assured the House, that he would never come again on a like purpose; but armed with precedents at all points, all his lordship, he presumed, had to do, was to tell the House, that the debt was contracted, and that it must be paid.

Lord *North* said, before he should proceed to answer the objections urged by the noble lord, or answer any of the reasons offered in support of the propriety and necessity of such a measure, he would beg leave to set his lordship right, in the honour he had done him, by saying, he was at the head of the finances when the last application was made to parliament, for the discharge of the King's debts. He begged leave to assure his lordship he was not at the head of the finances; and his lordship must be convinced, he was not, on recollection. He delivered the message, it is true, because he was then at the Treasury board; but he begged leave to remind the House, as well as the noble lord, that he did not promise, nor was he authorized to promise, that future applications of a similar nature would not be made. He confessed, that the task was a disagreeable one, taking it in the most favourable light; and when he last came upon a like errand, he little thought it would have ever fallen to his lot again; for as several of his predecessors, much his superiors in point of abilities, had continued but a short time in administration, he never entertained the most distant idea, or expectation, that he should again be compelled to repeat the same request; but at length, said his lordship, such is the stability of government, that an administration can even outlive eight years! His lordship then appealed to the sense of his general expressions, when he delivered the royal message in 1769, and insisted, that he never promised to restrain the Civil List expences within any certain bounds, or pledged himself to prevent any future excess. In answer to the excess of expenditure, so much dwelt upon by the noble lord, he said, the last four of the eight years, the expenditure had undergone a

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considerable decrease, nearly, if his memory served him right, to the amount of 100,000*l.* per annum. He said, that the last year it had increased, and that for a very obvious reason; because several steady friends to government, natives of America, and others, for their loyalty and attachment to the crown and parliament of Great Britain, had been stripped of their property, and driven thence, without the means of support; some without even the means of sustenance, to seek relief in this country. Many of these had been relieved by royal bounty, and had consequently considerably increased the out-goings; he believed to the amount of 27,000*l.* No notice had been taken of several causes of expence that daily arose. If the princess dowager's death so far served to augment the royal revenue, the prince of Wales, the bishop of Osnaburgh, and prince William, remained to be taken out of it, to the amount of 12,000*l.* a year. Again, the increased pensions to judges amounted to upwards of 4,000*l.* a year; for though no regular applications were made on that account, he thought that when great men had been worn down by age and infirmities, it would be extremely improper to neglect paying a suitable attention to their rank and services. He hoped, the Civil List expenditure, would not in future exceed 900,000*l.* per annum, because the 4½ per cent. duties paid from the Leeward islands, and the recovery of the American quit-rents, after the present unnatural rebellion, would form such a fund in support of the present proposed establishment, as would render similar applications to parliament totally unnecesssary. The noble lord had said a good deal respecting the charge of ambassadors, and the excess of expenditure under that head; but he was free to contend, that if the noble lord thought it worth his while to inspect that article again, he would find the expence of ambassadors rather diminished than increased; were the allowance made to lord and general Howe deducted. The noble lord and his brother were paid as such, and having a secretary, the whole establishment was what principally caused the increase. His lordship entered into several computations, which controverted the facts laid down by the noble lord who spoke first. He denied, that the influence of the crown had been on the increase, since the accession of his present Majesty, but contended, that the strength of government had been purely augmented by the wisdom and rectitude of his Majesty's councils; and the esteem and confidence of his subjects. The obligations were mutual, and justly merited; and if such an influence as that described by the noble lord had really existed, he was perfectly satisfied his Majesty would employ it, not in endeavouring to abridge the liberties of his subjects, or in acts of oppression, but in protecting them in the full enjoyment of every thing which might promise to render them a prosperous, virtuous, and happy people. As to the last objection made to the proposed augmentation, that it would, as in arbitrary countries, tend to hurt the morals of the people, and generate place-hunters and idlers, who might be better employed, and thereby become more useful to the state, he could not possibly trace the consequence; for he knew no new places, or appointments, the present measure would give birth to; and as for such as were already established, he did not think it was in the power of the noble lord, or any other person, to reduce the number of those who make daily application for places, without he first undertook to reduce the number of places themselves; for without such a previous reduction, he was satisfied all other methods would prove totally ineffective.

Mr. *Wilkes* said:

Mr. Speaker; there is not a gentleman in this House, or in the kingdom, more anxious than I am, that the splendor and dignity of the crown of England should be maintained in its truest lustre, although for above a course of fifteen years I have received from the crown only a succession of injuries, and never in any moment of my life the slightest favour. I had the honour, Sir, of a seat in this House, when the affair of the Civil List was first agitated in parliament in the beginning of his present Majesty's reign, when every good subject hoped to have more than the idea of a patriot king. I then acquiesced in the proposed grant. The acceptance of an annuity of 800,000*l.* and the giving up to the public the ancient, hereditary revenues of the crown, originated from the throne. It was proposed to this House in the usual mode by Mr. Legge, then chancellor of the Exchequer. Parliament adopted the proposition, and it was accepted with gratitude by the King. The ministers of that time declared to this House the King's entire satisfaction, and that his Majesty should be happy to be

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delivered from the disagreeable necessity of ever applying to parliament, like his predecessors, to make good the deficiencies of the Civil List. It was admitted that the allowance was competent, ample, most fully adequate to the wants, and even to the splendour of the crown. Parliament granted all the sovereign asked, and made the grant in the very mode proposed by the minister. The Civil List Act expressly declares in the preamble, that 800,000*l.* per annum, "was a certain and competent revenue for defraying the expences of his Majesty's civil government, and supporting the dignity of the crown of Great Britain." The nation thought themselves assured of not paying more than 800,000*l.* per annum to the Civil List, and gave that sum cheerfully for the trappings of royalty. In the speech at the close of that session our gracious young monarch told us from the throne, that he could not sufficiently thank us, and that he thought himself much obliged to us for what more immediately concerned himself. By this bargain, Sir, with the public, it was generally understood, and indeed admitted at that time, that his Majesty would be a gainer of near 7,000*l.* per annum. The noble lord with the blue ribbon has unfairly drawn his calculations from only the last eight years of the late king's reign. He ought to have taken the whole of that reign together. In some years the Civil List was very deficient; in others it greatly exceeded the sum of 800,000*l.* As this is peculiarly a day of dry calculation, I will observe that, from the accounts delivered into parliament, it appeared, that in the 33 years of George the 2nd's reign, from Midsummer 1727 to Midsummer 1760, the Civil List produced only 26,182,981*l.* whereas 800,000*l.* for 33 years, amounts to 26,400,000*l.* so that there is a deficiency of 217,019*l.* The gain, therefore, on a net revenue of 800,000*l.* is on an average above 6,576*l.* a year. The sum of 800,000*l.* was at that time thought abundantly sufficient to support the splendour of the crown, and the majesty of this great people. His Majesty has received besides 172,605*l.* the arrears of the late king's Civil List, 100,000*l.* on account of Somerset-house, and an additional grant of 513,511*l.* in 1769, to discharge all incumbrances. The death of the princess dowager of Wales was a saving of 60,000*l.* a year, and of the duke of York 12,000*l.* a year. Yet, Sir, we are now told of another debt of 618,340*l.* and called upon to pay that likewise, notwithstanding the former bargain with the public. The very proposal implies another violation of public faith. Sir, I will venture to say, if we are indeed just trustees for the people, if we conscientiously reflect, that their wealth is intrusted to our care, that we are the guardians of the public purse, we ought to stop this growing evil, and reprobate the idea of suffering their money to be thus squandered, as well as the country drained by a variety of taxes. I must add, Sir, taxes imposed to supply a profusion, which arises from a violation of a solemn compact with the nation, and renders the limitation of the expences of the crown by parliament the most vague and absurd of all propositions. The power of controul of the expences of the crown is the being and life of parliament. What traces do we now find of the existence of this power? Are the accounts on our table proofs of our boasted œconomy? and is meanness thus nearly allied to prodigality?

There is at present, Sir, a peculiar cruelty in thus endeavouring to fleece the people, when we are involved in a most expensive, as well as unnatural and ruinous, civil war, and burthened with an enormous load of national debt, the interest of which even we are scarcely able to stand under. Is there no feeling for the sufferings of this impoverished country? Are the people really nothing in the scale of government? The principal of the national debt is stated to us at Midsummer 1775 to amount to the astonishing sum of 135,943,051*l.* and the interest to 4,440,821*l.* Is this the time, Sir, that a minister can with an unembarrassed countenance come to parliament to lay additional loads on an exhausted nation, and to ask more of the people's money? When the greatest sources of our commerce and wealth are destroyed by the folly and wickedness of administration, when we have already spent in this unjust war above 19 millions, when above half our empire is lost, and those American friends, who have assisted us so frequently and so powerfully, are forced by our injustice to become determined enemies, and for their own safety to endeavour our humiliation, are we at such a moment as this to talk of the greatness of the crown, a crown shorn of half its beams? Are we to hear of the happy state of the nation, when we have lost more than we have retained of this divided empire, when new taxes and addi-

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tional burdens on the people are the most important objects of government? Is the Civil List to increase in proportion to the loss of all those resources of trade and riches, by which it is fed and nourished? Is the nature of the Civil List in the body politic analogous to what lord Bacon says of the Spleen, that it increases in proportion to the waste, decay, and rapid consumption of the other parts of the human body?

Sir, we ought to look back to what former princes and parliaments have done. I will take the consideration only from the glorious æra of the Revolution, and it shall be stated fairly and fully. The Civil List was not granted to king William for life till the year 1698, when 700,000*l.* a year was settled on him. The distractions of his government, and of all Europe at that period, are well known. His most generous views for the public were thwarted at home during the greatest part of his reign by the Tories, as the friends of liberty are now harrassed by them in America, according to the late orders of general Washington to the continental army, and his spirited letters to the Congress. Queen Anne had the same revenue settled upon her. She did not ask the additional sum of 100,000*l.* to her Civil List, but she gave unasked out of it yearly 100,000*l.* towards carrying on the war, a war against France, besides 200,000*l.* at least towards the building of Blenheim-house, and above 100,000*l.* for the support of the poor Palatines. We have a Resolution of this House, Sir, on a report from a committee, which states this very fully. It is on the Journals of May 13, 1715, and in the following words: "Resolved, That the sum of 700,000*l.* per annum was settled upon his late majesty king William during his life, for the support of his majesty's household, and other his necessary occasions; and, at the time of his majesty's demise, after the deduction of 3,700*l.* a week, that was applied to the public uses, was the produce of the Civil List revenues, that were continued and settled on her late majesty queen Anne, during her life." The deduction for public service of 3,700*l.* a week, or 192,400*l.* a year, from that part of the Civil List revenue called the "Hereditary and Temporary Excise," was first made in the last year of king William. Notwithstanding this deduction, the Civil List Funds produced in that very year 709,420*l.* In the first of queen Anne the same funds with the same deductions were settled on her for life, and declared to be for raising 700,000*l.* for the support of her houshold, and the dignity of her government. In the 9th of her reign the old Post-office act was repealed, and a new General Post-office with higher rates was established, in consideration of which another deduction was made from the Civil List revenue of 700*l.* a week, or 36,400*l.* a year. Both these deductions have ever since been continued.

George 1 had the same revenue settled upon him as queen Anne; but if 300,000*l.* paid him by the Royal Exchange and London Assurance Companies, and a million granted in 1726, towards paying his debts, are included, his income will appear to have been nearly 800,000*l.* per annum. In the first speech to his parliament he took notice, "That it was his happiness to see a prince of Wales, who may, in due time, succeed to the throne, and see him blessed with many children." Yet the establishment of the Civil List at the beginning of that reign was only settled at 700,000*l.* a year. It was not till after the great expences consequent on the rebellion of the earl of Mar, and the other perjured Scots, who, although they had taken the oaths to his government, traiterously waged open and impious war against a mild and just sovereign, that the parliament paid the king's debts. In the reign of George 1, the prince of Wales had an establishment of 100,000*l.* per annum.

George 2, had a very numerous family, and 800,000*l.* was at first settled upon him, with whatever surplus might arise from the duties and allowances composing the Civil List revenues. In 1736, that part of the hereditary and temporary excise, which consisted of duties on spirituous liquors, was taken from the Civil List, in consideration of which 70,000*l.* was transferred to it from the aggregate fund. The income of George 2, including 115,000*l.* granted in 1720, and 456,733*l.* in 1747, towards making good the deficiencies, which had arisen in the Civil List duties, was 810,749*l.* per annum for 33 years. His late majesty likewise had in his reign a Scotish rebellion, carried on by many of the same traitors, who had been pardoned by his father. The expence of that rebellion to the king and kingdom was enormous, for it was not confined to the extremities of the island, but raged in the heart of the kingdom, and the rebels advanced to within 100

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miles of the capital. Such an event, Sir, not unforeseen, because foretold, was a just ground for the parliament's discharging a debt contracted by securing to us every thing dear to men and Englishmen.

The establishment of the present King, at the yearly rent charge to the nation of 800,000*l.* was a measure at that time equally pleasing both to the prince and people. The minister boasted that there was not a possibility of any future dispute about the hereditary revenues, or concerning accounts suspected to be false, wilfully erroneous, or deceitful, kept back, or anticipated, to serve a particular purpose. I am aware, Sir, that the Civil List revenues have been increasing for many years. The mean annual produce for the last five years of George 2, was 829,150*l.* and for the first six years of his present Majesty, it would have been, had the establishment in the late reign continued, 894,000*l.* In 1775, it would have been 1,019,450*l.* Near 90,000*l.* per ann. of this great increase has been produced by an increase in the Post-office revenue, occasioned chiefly by the late alteration in the manner of franking, and by the falling in of the cross posts to the public by the death of Mr. Allen; but these profits would probably, at least certainly ought to, have been reserved to the public, had the establishment in the late reign been continued. At the foot of one of the accounts on our table it is stated, "The amount of 800,000*l.* granted to his Majesty from the 25th Oct. 1760, to the 5th Jan. 1777, is 12,965,517*l.* 4*s.* 9¼*d.* The produce as above exceeds the annuity by 2,381,241*l.* 9*s.* 1¾*d.* But parliament granted to pay off the Civil List debt, on the 5th Jan. 1769, out of the supplies for 1769, 513,511*l.* which being deducted shews the gain to the public to be, 1,867,730*l.* 9*s.* 1¾*d.*" The bargain concluded for the public was of an annuity to the King of a clear 800,000*l.* subject to no deductions, or contingencies for his life, on a solemn promise of that being made to bear all the expences of the Civil List, and the royal houshold. It was a fair compact of finance between the King and the subject, ratified by both parties. The most explicit assurances were given by the Chancellor of the Exchequer, in the King's name, that no more should be asked, and that now his Majesty could never be under the disagreeable necessity of importuning this House with messages of personal concern.

I have, Sir, carefully examined the accounts laid before this House, by his Majesty's command, the eight folio books, as well as the other papers. I will venture to say they are as loose, unsatisfactory, perplexed, and unintelligible as those delivered in by the noble lord with the blue ribbon in 1770, a year after the former demand to pay the debts on the Civil List. I am sure, Sir, more loose, unsatisfactory, perplexed, and unintelligible, no accounts can be. Their defectiveness and fallacy is highly culpable. The coming to parliament at that time with such a demand, but without any account whatever, was an insult to this House, and the now laying before us such accounts as those on the table is a solemn mockery. Many gentlemen in the House declared the last week their opinion, that, after the strictest examination, they could make nothing of those former accounts. It was not intended they should. One particular only fixed my attention as an individual. Under the head of "secret and special service," I find that between Oct. 1762, and Oct. 1763, a most memorable year, there was issued to Samuel Martin, esq. 41,000*l.* We have indeed, Sir, had a week allowed to go through these accounts; but I will venture to affirm, that a year would not be sufficient to clear them from their studied perplexity, to give order and light to such a chaos. The most able accomptants do not pretend to understand them. They would puzzle a De Moivre. Ægyptian darkness hangs over the whole. There is not one friendly ray of light to lead us through this labyrinth.

No account, Sir, whatever is given parliament of the other considerable revenues of the crown, besides the annuity of 800,000*l.* I do not mean the income of the electorate of Hanover, or bishopric of Osnaburg, but what his Majesty enjoys as King of England. That is a fair consideration with us, when the House are providing for the support of the lustre of the crown, at present, I fear, a little tarnished. The extraordinary revenues of the crown are, the revenue of Ireland, the duchy of Cornwall, the land revenue within the principality of Wales, the revenue of Gibraltar, American quit-rents, now generally lost, irredeemably lost, the plantation duties of 4½ per cent. from the Leeward islands, fines, forfeitures, and many other particulars, which certainly carry the royal income to much above one million a year. We may form some guesses from the grants we find made. From the revenue

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of the duchy of Cornwall it appears that 17,000*l.* issued to Mr. Bradshaw in one year, and 11,000*l.* in another. From the 4½ per cent. in 1769, for his Majesty's special service, 14,742*l.* to sir Grey Cooper. In 1771, John Robinson, esq. received 10,000*l.* of the Virginian quit-rents, the last payment I believe of that nature. Sir Grey Cooper in 1769 received 2,144*l.* from the revenue of Gibraltar; and in 1765 the sum of 13,804*l.* was issued thence for special service. Such copious streams must flow from rich and abundant fountains. The plantation duties of 4½ per cent. produced, in 1753, the sum of 27,377*l.* Fines and forfeitures are a very considerable addition to the royal revenue. I was plundered in one year of 1,000*l.* by two fines, one of 500*l.* for a pretended libel, and another of the same sum, because I had a laughable poem locked up in my bureau, which administration hired a rascal of a servant to steal, and then they contrived to have published.

The business of this day, Sir, is naturally branched out into two parts, both which certainly claim our strict attention. His Majesty's Message points them out to us. The first is the outstanding debts, the second the increase of the establishment of the Civil List. Before we proceed to take into consideration the payment of the King's debts, we ought to enquire in what manner they have been contracted. The King has enjoyed ever since his accession the greatest unappropriated revenue of any prince in Europe, and the expences of the whole royal family have never exceeded 160,000*l.* a year. A committee should be appointed for both the purposes mentioned, and papers very different from those before us ought to be submitted to parliament. It is impossible for us now to form the slightest conjecture from these accounts in what way so enormous a debt as 618,340*l.* has been contracted. It is astonishing that there should remain in cash in the Exchequer on the 5th of Jan. last only 35,640*l.* The queen has indeed 50,000*l.* a year very regularly paid; but the expence of the prince of Wales and the bishop of Osnaburgh is charged from 1769 to 1777 only 42,242*l.* Prince William Henry and prince Edward, for the same period, 5,017*l.* The King's Message, Sir, leads us to consider the state of the whole royal family. His Majesty has two brothers, universally beloved by the nation. I find no trace of any debts contracted by the crown on their account; no princely grants to either of the King's own brothers. As an Englishman I regret the scantiness of their incomes. The duke of Gloucester seems doomed to pass his life abroad; and it is certainly neither from choice, nor from the ill state of his health. The duke of Cumberland is happier, and lives in England. He possesses all the virtues, and supports with dignity the rank, of a private, benevolent, amiable nobleman. His income is by no means adequate to the splendor of a prince of the blood, of a prince of the blood so near to the King as his Majesty's own brother. How, then, Sir, has this enormous debt been contracted? No outward magnificence has dazzled our eyes; no internal, domestic profusion has been imputed to the Lord Steward of the household, who almost alone has continued in office this whole reign. We have scarcely the appearance of a court, even in the capital. Former kings of England with very inferior revenues were generous and splendid, their courts pompous and brilliant. All princely and royal visitors were lodged in their palaces, and splendidly entertained. His Majesty's residence at Windsor the last summer did not quite revive all the ideas of the magnificence, and even hospitality, of the Plantagenets, nor efface all the glories of our Henries and Edwards. No stately buildings, or proud palaces, no "imperial works, and worthy kings," have excited the public wonder, or called foreigners from the continent to our island to admire the royal taste and magnificence. An hon. gentleman (sir Grey Cooper) tells us of the King's houses. The former kings of England, Sir, lived in palaces, not in houses. His Majesty has not yet had a Scottish rebellion to quell. The royal revenues have not been expended against the Scots, but surrendered to them; an idea little suspected by the people of England, when they gave at first with such a liberal, and even prodigal hand. How then, Sir, has this debt been contracted? There are no "outward and visible" signs of grandeur and expence. I will tell the House what is said without doors, what, the nation suspects, and therefore it becomes our duty to investigate. The nation, Sir, suspects, that the regular ministerial majorities in parliament are bought by these very grants; that in one instance we attend to the evangelical precept, "give, and it shall be given unto you," and that the crown has made a purchase of this House with the money of the

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people. Hence the ready, tame, and servile compliance to every royal edict issued by the minister. Inward corruption is the canker, which gnaws the vitals of parliament. It is almost universally believed, Sir, that the debt has been contracted in corrupting the representatives of the people, and that this public plunder has been divided among the majority of this House, which is allowed to be the most corrupt assembly in Europe, while the honest and fair creditors of the crown have been reduced to the greatest distress. Compassion to them is only made the pretext of the present message. This, Sir, is a fit object of parliamentary enquiry.

The alarm has spread through the country. The charge is taken up by almost every independent man in the kingdom. It is asked, Did the last parliamentary grant of 513,511*l.* so lately as 1769, to pay the King's debts, give satisfaction to the honest tradesmen and inferior dependents of the crown, or was it diverted another way? The majority of this House, Sir, ought not to lie under this suspicion, nor will they, if they are innocent. They ought likewise to vindicate the honour of our sovereign from the foul suspicions which are gone abroad on this subject. A heavier accusation can scarcely be brought. Mr. Locke, Sir, in his chapter on the Dissolution of Government, says, "He" (the supreme executor) "acts contrary to his trust, when he either employs the force, treasure, and offices of the society, to corrupt the representatives, and gain them to his purposes, or openly pre-engages the electors, and prescribes to their choice, such, whom he has by solicitations, threats, promises, or otherwise, won to his designs; and employs them to bring in such who have promised before-hand what to vote, and what to enact." What, Sir, was the case of Hine's patent place in the collection of the customs at Exeter, publicly sold, and the money given, not to a needy public, but to general Burgoyne, to reimburse him the expences of the Preston election, and the subsequent prosecution and fine of 1,000*l.* by a court of law, for the outrages committed in Lancashire against the sacred rights of election? That instance alone merited an impeachment from parliament against the profligate minister of that day.*

If there is, Sir, a spark of virtue left among us, we cannot sit down contented with such loose general accounts, that secret and special service, the privy purse, the treasurer of the chamber, the cofferer of the household, royal bounties, pensions and annuities, swallow up almost the whole Civil List. There is a general charge of pensions to the amount of 438,000*l.* The Pension List is the great grievance. From 1769 to 1777, there is a single line of 171,000*l.* Secret and Special service, issued to sir Grey Cooper. In the same period, under the same article, 114,000*l.* to John Robinson, esq. exclusive of enormous sums on the same heads to the secretaries of state, and the secretary of the Post-office, generally in one short, single line. When we know, Sir, what prosecutions have been carried on, a loose article of 60,000*l.* in one year, as Law Charges, ought to alarm us no less for the liberty of the press, than for the private property of individuals against unfounded claims of the crown. We have seen the cruel invasion of both in this reign. Under the head of Contingencies of Divers Natures, we are lost and bewildered by a rambling account, in which it is impossible to guess the least particular. We find Messrs. Amyand and Siebel receive 38,692*l.* to pay bills of exchange; and in another line, Thomas Pratt, esq. 8,139*l.* to pay another bill of exchange. For what national purpose, or public service? Such accounts, Sir, are only calculated for such a servile parliament. Pensions, annuities, and royal bounties, shall with much caution be touched by me even in this House. One word only I shall mention of literary patronage, because it seems to be a favourite subject. We are, Sir, hourly told, that genius and learning are now fostered by the propitious beams of royal favour, and all the polite arts encouraged and patronized. The two famous doctors, Shebbeare and Johnson, are in this reign the state hirelings called pensioners. The piety of our sovereign to the memory of his grandfather, as well as gratitude to our glorious deliverer, should surely, Sir, have prevented the names of these two doctors from disgracing a Civil List, which both of them had repeatedly and publicly declared the King's family had no right to, but ought to be considered as a flagrant usurpation. These two doctors have in their writings treated the late king, and king William, with the utmost virulence and scurrility, and they are the known pensioned advocates of despotism. The

* For the history of this transaction, see Woodfall's Junius, vol. 1, p. 201; vol. 2, p. 53.

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two other instances are ridiculous enough. David Hume was pensioned in this pious reign for attacking the Christian religion, and Dr. Beattie for answering him. In this manner is the public treasure lavished; but these, I own, are mean objects, and of trifling concern. The great mass of the debt remains unaccounted for, and is suspected to be contracted for the most criminal purposes. It is necessary to satisfy the people that the enquiry should be made, and therefore I hope the House will instruct the committee to that purpose.

Let me now, Sir, suppose, that parliament acquiesces with the present claim, what cheerful ray of future hope have we to comfort us that future demands will not succeed? Will this be the last court job, even of the present minister? No assurances whatever are given, not a hint of economy, or frugal management, or the least care of the public treasure in future. Surely such a mode of proceeding is highly unbecoming, indecent, and contemptuous.

May I, Sir, pass the invidious streights of Calais, and consider the state of the neighbouring monarchy with respect to the king's household and debts? By two new edicts for the regulation of the French king's household expences, pensions, and royal bounties, all arrears are to be discharged within six years, and a fixed resolution is declared "pour concilier avec une sage économie les dépenses que l'éclat de sa couronne peut exiger." From the 1st of last January all future expences whatever respecting the household are to be paid in the course of the current year. The very first article is, "l'année révolue de toutes les dépenses de la maison du Roi, tant par enterprises que par fournitures, sera à l'avenir payée comptant au Trésor Royal, dans le courant de l'année suivante, à raison d'un douzieme par mois." Would to God, Sir, such a spirit of justice and reformation crossed the channel to this capital! We, alas; have not a gleam of hope of any reformation. The French king, Sir, has likewise two brothers, Monsieur, and the Comte d'Artois. They have found in their sovereign an affectionate and generous brother, not a gloomy tyrant, like——Louis the 11th. They are an united and happy family. What the king has given them in important grants, and *en apanage*, as it is called, enables them to support with eclat their high rank. The new regulations of the French king's household expences and debts are founded in justice, and occasion no extraordinary burden to his people. The first prince of the Hanover line observed the same conduct; for the Message of George I, to this House, of July 11, 1721, is, "That being resolved to cause a retrenchment to be made of his Civil List expences for the future, and finding that such a retrenchment cannot well be effected without discharging the present arrears, his majesty has ordered the accounts thereof to be laid before the House, and hopes he may be empowered to raise ready money for that purpose, on the Civil List revenues; which, to avoid the laying any new burden on his people, his majesty proposes shall be replaced to the Civil List, and re-imbursed by a deduction to be made out of the salaries and wages of all offices, and the pensions, and other payments, from the crown." The venal parliament of 1769 gave the money out of the current expences of the year, without a single line of any account.

When we are repeatedly told, Sir, of the present splendour of the British diadem, of the extent of our empire, and the greatness of our sovereign, I own that the diminished rays of the crown occur to my painful imagination. I am not dazzled, but mortified. It brings to my recollection what was said of Philip the 4th of Spain, when Louis the 14th was taking all the towns, one after another, in the Netherlands, "Sa grandeur ressemble à celle des fossés, qui deviennent grands à proportion des terres, qu'on leur ôte."

The noble lord (John Cavendish) has said, that he wished a strict review of the whole establishment of the crown, as to the Civil List. I perfectly approve the idea. Almost the whole requires a new regulation. I think the judges in particular ought not to be paid out of the Civil List, but by the public. They cannot be now displaced, but they may be starved by the crown. The spirit of their independence ought to extend as well to their salaries, as to their commissions. I observe, Sir, in the Civil List accounts on the table, an article, "Lord Howe and sir William Howe, commissioners for restoring peace in America, 100*l.* per week each, arrears 1,742*l.*" The noble lord with the blue ribbon has just called them ambassadors. Have we then already acknowledge the United Colonies of America as a sovereign state, like the United Provinces of Holland? If we have not, that event must happen. The peaceful mode adopted by the brothers, according

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to my calculation, will not soon restore peace in America. It may possibly be the period of the Trojan war, ten years at least, so that the nation may compliment the Howe family with above 100,000*l.* free gift, at the rate of 100*l.* per week each brother, besides the settled pay and perquisites, as officers. But, Sir, what connection has such an article as this with the Civil List, with his Majesty's houshold?

Let us not now, Sir, rashly proceed in the iniquitous method of deciding on these two important questions, the expenditure, and the increase of the Civil List, without hearing the evidence, or hearing it only in part. We have not sufficient data to proceed. By such injustice we lost America. We proscribed the inhabitants of Boston without hearing them, and in the same manner adopted coercive and sanguinary measures against the other colonies. Let us not now advance a single step but with caution, with fear and trembling. We are asked to furnish the ministers with weapons, which may be employed to our destruction, against the liberties of our own country. An increased undue influence must necessarily be created, and the overgrown power of the crown enlarged. Ministers only want what are called 'the sinews of war.' The doctrine is now avowed of the legality of introducing foreign troops into the British dominions. The minister has the power of the sword, when we give him that of the purse. How many nations have totally lost their liberties by internal corruption, and by mercenary armies? There is an affected false alarm about faction and civil discord, disturbances and insurrections; but it is well known, that civil dissentions have often among us been even favourable to freedom. Montesquieu observes of England, "On voit la liberté sortir sans cesse des feux de la discorde et de la sédition, le prince toujours chancelant sur un trône inébranlable."

I desire, Sir, to submit to the noble lord near me, whether, in point of form and precedent, instead of discharging the order for referring the King's message to the committee of supply, it would not be more proper to instruct the committee on the two important points of the message, the paying his Majesty's debts, and the addition to the standing revenue of the crown. If his lordship and the House adopt that mode, I shall then move, "That it be an instruction to the said committee, that, before they proceed to consider of his Majesty's most gracious message, they do consider of the causes of the debts due on account of the Civil List, and likewise what further provision may be necessary to support the splendor and dignity of the crown of Great Britain."

Mr. *Byng.* If I am under the necessity of confessing my inability to understand the accounts, still more do I feel myself at a loss to comprehend the arguments of the noble lord; who has asserted that upon the face of the account there is a diminution of 100,000*l.* in the expences of the last eight years; and yet he concludes with a demand of 100,000*l.* more; that the expences have gradually diminished, yet the demand increases with the diminution of expence, and the future revenue is to rise beyond the average of the last eight years. The medium is under eighty, but the demand is 100,000*l.* a year; the noble lord claiming a merit at the same time of a reduction within the four last years, even to that average, and confessing they might still be retrenched. No benefit is to arise to the public from the savings, as if the possibility of saving was the argument for an enlarged revenue.

Sir, this awakens my suspicions more particularly, when I observe, the exceeding of 101,000*l.* in the article of secret service money, and the pensions having risen from 192,000*l.* to 269,000*l.* I speak of those only paid by the secretary of the Treasury; which articles I wish strictly to examine; by no means repining at the fair, open, and visible expences of the crown; and when the noble lord tells us, that there are more tables kept at St. James's, I will freely answer him, I wish there were more still, as we are all equally interested in the support of the dignity and grandeur of the crown. Nor do I mean to arraign all secret service money, nor all pensions. A commander in chief must procure intelligence by money; there is a necessity for allowing it to a secretary of state; but in the hands of a secretary of the Treasury it is truly dangerous. Pensions to individuals in reward for services performed, confer equal credit on the donor and receiver; but pensions paid by a secretary of the Treasury to we know not whom, and we know not for what, threatens the constitution, and ought to alarm this House. But to talk of accounts is become truly ridiculous. You addressed for the proper officers to lay the accounts before you; and what was the answer? Sir,

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I will read you from the Journals, a memorandum at the bottom of the main account: "The deputy auditor of the Exchequer having repeatedly declared the impossibility of making out an account of the Civil List expences, which incurred and became due at that office for above eight years; therefore the lords of the Treasury directed that the same should be made out in the best manner possible from the entries in the Treasury books.—The treasurer of the chamber, having informed their lordships that, from want of materials in his office, no account can be made up of the charge during the same time, the above charge inserted in this account, is therefore the amount of the several sums craved by the then treasurers of the chamber for those years, and which were actually paid upon their memorials to the Treasury.—The master of the horse not having any accounts in his office, to enable him to make out the charge there, the same hath been done in respect to the expence of that office, as in that of the treasurer of the chamber. The other charges are taken from the accounts transmitted to the Treasury from the several other offices abovementioned.—As it is impossible to make an annual account from the 1st Jan. to the 31st January, therefore this account is made for eight complete years, commencing the 1st January, 1761."

You may by this see the effects of your application. All tell you of the impossibility to give you an account, for all are equally unable or unwilling to give you a full, fair, and satisfactory account. The Treasury call on them likewise, but for once call in vain, and then that treasury that has expended the secret service money, that has paid the secret pensions, gives you such accounts as best suits their pleasure; then can there be, Sir, a wonder that the accounts are deemed by all unintelligible?

Lord *North* contradicted several of the facts, and controverted several of the deductions drawn and stated by the two hon. gentlemen. He contended, that the late king's revenue, including the 450,000*l.* granted by parliament to him in 1747, exceeded the average income received by his present Majesty, since his accession, even taking in the 513,000*l.* given in 1769; and if the increased value of the necessaries and luxuries of life, and other domestic circumstances were taken into the account, he insisted, that 900,000*l.* a year, at present, was not equal to 800,000*l.* about 1742 or 1743, the period at which the average expenditure of George the 2nd should be struck. He saw several gentlemen present, who remembered how much more valuable money was 35 years ago than now; and he trusted to their candour, and that of every gentleman who heard him, to form an equitable estimate in his own mind of what would be a proportionate augmentation to the increase of expenditure, arising from an increase of the necessaries of life. His lordship presumed, that the hon. gentleman (Mr. Wilkes) when he supposed that the majorities in that House were created by the increased influence of the crown, did not mean to conclude, that each individual who composed those majorities was bribed or influenced in the vote he gave. That, he would venture to say, was not the intention of the hon. gentleman: such a proposition maintained without reserve, would cut up by the roots all pretensions to free enquiry, or conduct arising from opinion. The hon. gentleman thought differently from him; that was no just foundation for charging the hon. gentleman with being influenced by improper motives. On the other hand, he, and those who thought with him, might act upon principle, and not, as the hon. gentleman termed it, be influenced by a temporary pension. As to the objection urged so warmly against the account relative to the disbursements in the office of the Treasurer of the Chamber, not being accompanied with vouchers in one period, nor even the sums specified during another period; that he said might be explained satisfactorily, by repeating a single fact, which was, that his predecessors in office had taken away all the papers, which contained the information now so earnestly sought. So the case stood, particularly as to that of the master of the horse, and so in every other account, as far as the objection could be fairly maintained or supported. On the whole, therefore, the charge of the accounts being defective, mutilated, or imperfect, must fall to the ground. The Treasury had used all the industry in their power to satisfy the House. They had ordered the books to be minutely examined, and the warrants to be compared with the books. If some of the vouchers were mislaid, lost, or taken away, the Treasury-board could not be blamed. They looked for every document that seemed necessary to explain the account; they produced such as they could

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obtain; and if any were wanting, no blame lay on the board; for they had exerted themselves to procure a satisfactory account, and if they failed in any particular to afford that satisfaction they were so desirous of giving, they had faithfully discharged their duty; for they had given the best account the nature of the expenditure, and the manner of keeping the accounts, would admit of.

Mr. *Burke* was severe upon the noble lord. He said, that the time of bringing in this demand was full of indecency and impropriety; that when we were going to tax every gentleman's house in England, even to the smallest domestic accommodation, and to accumulate burthen upon burthen, nothing but a confidence in the servility of the House, and an experience in our carelessness, with regard to all affairs, could make the ministry desperate enough to tell us, that in such a time we had not provided sufficiently for the splendour of the crown. The main argument on which the demand stood, was the experience of the whole reign, that 800,000*l.* was not sufficient for the Civil List expences. To this ground of argument he objected; because if it were once admitted, the propriety of every man's practice would be judged by the practice itself; a man's extravagance would become the measure of his supply, and because he had actually spent a great deal, he ought in reason to be furnished with a great deal to spend. This would be to establish a principle of public profusion, which could never cease to operate, whilst we had a shilling to spend. It would even make it the interest of ministers to be prodigal, since their extravagance, instead of lessening their income, would be the certain means of increasing their estate.

Having refuted this kind of argument; taking for granted the very point in question, which was, whether the ministers had managed well or ill; whether they had incurred the debt properly or improperly, he said, that the only way of judging of this matter, was to proceed as wise men ought to do in all their private affairs, namely to try whether the object obtained was equal to the consideration paid. The object to be obtained was the royal dignity; the consideration paid was 800,000*l.* a year. The sum has been paid; has the object been attained? Is the court great, splendid, and magnificent? To know whether the royal dignity might have been attained for that sum, and to discover whether the not obtaining it was owing to the scantiness of the supply, and not to the mismanagement of what was given, it was proper to see how other kings had maintained the royal dignity; what their charge, and what their incomes were. For this purpose, he took a comparative view of the income and stile of living of his present Majesty, of George the 2nd, and of king William. That George the 2nd had a more extensive family for a great part of his reign; that his income was not larger, nor so large, as that of the present king; that he appeared in a more princely manner than the ministers suffered the present King to live. That king William had but 700,000*l.* a year, yet that all his expences were great and royal; and if it should be objected that all means of living in splendour were cheaper in that age, he answered first by doubting the fact, and saying, that though some of the same articles might be cheaper, others were much dearer. Next he said, that this argument of the price of things could serve no purpose in the present question, because king William not only did more, but paid more; that his charges in all articles, in which royal dignity properly consists, were higher than the correspondent articles of the King's expences; larger not only in effect but in account. That king William was censured for being expensive; he was so; but he was magnificent. He attained his object, which appeared in the number and stateliness of his buildings, his furniture, pictures, &c. King George the 2nd was accused of parsimony, not wholly without reason; but he attained his object; he was rich. His present Majesty, to whom no one imputes either extravagance or penury, is, by the mismanagement of his ministers, neither magnificent nor wealthy. King William's magnificence was useful to the public; it added to the splendour of the crown and the dignity of the nation, and we have the monuments of it still. King George the 2nd's œconomy added 170,000*l.* to his Majesty's Civil List at his accession. He did more and better. King George the 2nd maintained a year's war in Germany against the whole power of France, in a quarrel wholly British, at his own expence. He spent about a million sterling for this nation, and after all he died not poor, but left a large sum, besides a surplus of Civil List cash to his present Majesty. From all these circumstances he concluded that the debt incurred could not be for the royal dignity,

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but for purposes not fit to be avowed by ministry, and therefore very fit to be inquired into by this House.

Mr. *Rice* explained what had been mentioned by lord North, relative to his predecessors in office taking the papers away, which were necessary to vouch the first four years of the accounts which came from the office of the Treasurer of the Chamber. He said the warrants from the Treasury, with the accounts of sums issued, were vouchers sufficient to shew the faithful disposition of the money. That, allowing some of the articles in the account did not appear so well authenticated as could be wished, or that a saving might be made; in either event, it would be proper to go into the committee, because he believed no gentleman present would say, that the King's debts ought not to be paid; they were the debts of the public, and no matter how they were incurred, they must be paid by the public; and if the motion for discharging the order, was intended to make way for a committee of enquiry, that committee might be moved after the committee of supply had come to the first resolution, to discharge the debt already incurred. He affirmed, from his own knowledge, and by every thing he could learn from others, that all possible frugality had been practised, in every branch of expenditure of the Civil List revenue; but that some of them were notwithstanding on the increase, and were likely to augment instead of diminish; and if to this were added, a numerous increasing family, several of whom, in a few years, would call for separate establishments, he did not see how the House could, with any degree of consistency, or regard for the honour and dignity of the crown, refuse the augmentation, which he understood it was the intention of the ministers to ask. The papers on the table already shewed, that the average expence of maintaining the houshold, and defraying the expences of the civil government, was, on an average, since the present accession, about 870,000*l.* a year; and that the amount of the duties relinquished by his Majesty, at that period, was pretty nearly equal to the expenditure; that probably those duties would still continue to increase; so that taking the matter in either a retrospective view, or in its consequences, the nation, though the revenue should be augmented 100,000*l.* would, on the whole, be found to be no loser.

Mr. *Adam* sincerely regretted our present situation, but did not agree that it was a sufficient reason against the motion. But on the contrary, that rendering our sovereign respectable, might prove a means of relieving us from that situation, as it must give an idea of the vigour and resources of this country, which could not fail to have a tendency to prevent hostile attempts upon the part of our enemies, and strike the minds of our revolted colonies with terror. It must therefore prove a salutary measure, even in this moment of distress, to discharge the arrears upon the Civil List.

With regard to increasing the revenue he took it for granted, that the only objection to it was, that by putting too much power into the hands of the crown it might endanger the liberty of the subject, and be prejudicial to our national happiness. That one great ingredient in the happiness of a nation, was the respect it held as a nation. That it yielded to internal freedom alone, and that this latter blessing gained additional value as the means of procuring the former. That in order to secure that respect which rested upon national independence as its basis, no necessity should be created that could make it desirable in any degree to barter that independence for a temporary ease and advantage. That such necessity had in former times suggested to Charles the 2nd his dangerous connections with France, the ignominy and disgrace of which might have been saved had his parliament been less rigidly parsimonious. That the eminent virtues of our present monarch happily secured us from every such idea, so far as it depended upon his steady and earnest desire to maintain our respect and independence: but we could not always depend upon the minister who might have the immediate management of affairs. To secure us therefore against the machinations of wicked ministers, we should render the private revenue of the crown equal to its necessities. When he said this, he did not mean to assert any thing prejudicial to the honour of the present minister. He had upon former occasions animadverted upon the conduct of the noble lord: they were public animadversions upon a public conduct, which he made because he felt them just, and which he would never hesitate to repeat when similar circumstances should produce a similar conduct. He was convinced, that the noble lord was too much a gentleman, and too much an Englishman, to entertain any idea prejudicial

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to the independence of this country; but we were not always to see the noble lord in the place he now filled; and when another should come without the same virtue, and the same talents, we might see the disgraceful days of Charles the 2nd renewed, and another Dunkirk sold to relieve the embarrassments of a scanty revenue.

He next stated an opinion which he professed had at first sight a paradoxical appearance, but he thought the paradox would vanish upon a state of the argument. It was that increasing the revenue of the Civil List would add security to the liberty of the subject. That prerogative having been done away at the Revolution, influence, it was now thought, had taken its place, and was the disease which threatened our constitution. The way, therefore, to prevent the evils of influence, was to keep it from acting, or allowing it to act in as few instances as possible. If we could prevent its operation in ten instances, by admitting it in one, we might by this means award the blow, and perhaps destroy the disease that threatened our liberty. It was, therefore, better to give an adequate revenue to the crown, than to suffer repeated applications to parliament for the payment of arrears; which, by being repeated every two or three years, would make the importance of the grant dwindle into the same insignificance that attended the common and most trivial operations of parliament; and that this day would cease to be, as it now was, a day of terror to the minister. He said, there was a great and marked distinction to be attended to in this argument, between the Civil List or revenue of the crown, and the revenue of parliament. That distinctions of this nature were essential to the existence of the constitution, as they steered us between the horrors of despotism and the evils of a republic. The first revenue was subject of calculation, and an adequate sum ought to be fixed, that applications for arrears might be avoided: the other could not be matter of calculation, at any distant period of time, as it altered with the necessity of the times. Besides, it was that revenue which supported our fleet, maintained our army, paid the interest of our national debt, the revenue upon which our liberty, dignity, and independence rested. That if any minister should dare to encourage an idea that could render that revenue independent of parliament, no punishment could be too bad for his crime. He then shewed that this distinction had been recognized at the Revolution, and entered into a history of the Civil List from that period downwards, to prove that to agree with the motion of the day, was to follow up the idea of the revolutionists: and concluded, by saying, that if our national respect was to be preserved, and our internal freedom to be rendered more secure by an addition to the revenue of the crown, we ought cheerfully to unite in a measure that would give comfort and dignity to a prince so highly virtuous and respectable.

Mr. *T. Townshend* assured Mr. Adam that he had too much respect for his person and his talents to presume to treat his arguments with ridicule or with levity. He hoped, however, that his expressing his surprise at the novelty of the arguments would not be construed into disrespect: and if, upon his bare recital of them, the House should receive them the second time in the same manner as they had done the first, he trusted that reception would not be attributed to any levity in the person who repeated them. He owned that his dull imagination would never have enabled him to conceive that a time when we were engaged in an enormously expensive war, was the hour of all others the most proper to give away a large sum of public money; or that such a conduct would impress our enemies with fear, and that such profusion would give them a higher opinion either of our strength or of our wisdom.

He could not help agreeing with the hon. gentleman in his apprehensions of the increase of the influence of the crown. He thought with him, that it threatened the annihilation of any balance or proportion between the different branches of the legislature. But he had always supposed that influence to arise from the great revenues and emoluments which were in the disposal of the crown. He therefore imagined, that an increase of influence, rather than a decrease of it, was likely to be the consequence of an increase of those revenues. He was so bigotted to these opinions, that he had found himself inclined to doubt, for once, the solidity of the reasoning of the hon. gentleman. He could not help thinking that his talents had a little failed him. He was at first at a loss to what cause he should attribute it, but recollecting the enthusiastic terms in which the hon. gentleman mentioned a lately deceased, learned, and ingenious author (Mr. Hume) he could not help thinking that the gentleman was ambitious of being

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thought the boldest disciple of that great master of paradox; and nobody, indeed, could justly deny him the honour to which he aspired. His arguments had the merit of being new and ingenious, but yet they did not seem likely to make converts. Paradoxical they might be, but they did not equal or come near the extravagance of an assertion which he was sorry to hear fall from his hon. friend (Mr. Rice) "that the debts of the crown were the debts of the public, and however incurred, must be paid by the public." If this doctrine were true, what had the House more to do, than to come at once to the vote? No one that walked the streets could doubt the existence of such a debt, and whether it was produced by necessity or by the most scandalous profusion, was an object above their consideration. The ministers of the crown had incurred the debt; the representatives of the people were under an obligation to pay it out of the purse of their constituents. He could not, however, persuade himself that, upon recollection, his hon. friend would continue to support that position: and indeed he thought he perceived by his countenance that he wished to retract it.

He then proceeded to consider the motion itself as made by lord John Cavendish, which he said, would be found to be the constant practice of the House on messages of this kind, except in the precedent of 1769, when the message was at once referred to the committee of supply. He thought there could be no suspicion of a want of respect for the crown, in following the former precedents, which had an appearance more becoming parliament, as they implied a desire to examine into the causes of the debt. The mode proposed at present was to pay the debt, and increase the revenue without any such investigation. He dreaded the principle upon which we were going to increase the Civil List more than the vote itself. For it was assumed, that the revenues applicable to the late king's Civil List being improved, the King had a right to what was called an indemnification for what his Majesty had casually lost, by accepting of the annuity of 800,000*l*. Now, he did not conceive that it could be supposed that those duties having been given upon a supposition that they would amount to 800,000*l*. a year, or thereabouts, the crown had a right to the further amount of them, let them increase ever so much. That this argument was still more extraordinary when we considered, that one of them, if not more, had been increased by acts of parliament subsequent to the Civil List Act. The revenue he alluded to was that of the Post-office, which was improved by restraining the privilege of franking. According to that principle, the people were to pay the crown for the additional burthens that had been laid upon themselves. He was not sure that there had not been more alterations in other revenues, which were formerly appropriated to the King's Civil List: if there were, the same argument would apply to them.

Another branch which had increased of late years was the seizure of uncustomed goods. He was at a loss to know how to account for that increase. Smuggling, to be sure, is of late years much increased, to a very dangerous height: but as the public lose a great deal more by the customs being defrauded by the smuggler, than they get by the seizures, he could not think it very just that they should pay for that loss. This matter would have been easier to ascertain, if the account of the amount of the duties formerly applicable to the Civil List, had not been made up in a very extraordinary manner: and what is more extraordinary, is, that pains must have been taken to make it unintelligible. In 1726 those accounts were produced to shew the amount, and likewise the deficiencies of those duties; every branch of revenue was thus stated separate, as it was received from the office of customs, excise, post office, exchequer, &c. but in the present instance all those branches were lumped together, and set down without distinction in one column. The sums given by different acts of parliament, and which must always be the same in every year, were indeed separated into four columns; by this means all investigation of the separate articles of the duties was carefully prevented: and if it was not for that purpose, that the account was made up in this whimsical manner, it was not easy to assign the true reason.

He then observed upon the applications to parliament, on account of the Civil List, in the reigns of queen Anne, George the 1st, and George the 2nd. As to queen Anne, when it was considered that she had contributed 100,000*l*. a year out of her Civil List, to the expence of the war, as well as that the parliament had diverted some of the Civil List revenues to public services, it was unnecessary to say how just a claim that princess had to the assist-

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ance of the public. In George the 1st's time, it is sufficient to say, that after various endeavours of his Majesty to extricate himself from the debts of the Civil List, that purpose was accomplished without any additional burthens being laid upon the public. The grants to the London Assurance and Royal Exchange companies, raised 300,000*l.* The Civil List bore the weight of the rest of its own debt. He was surprised to have heard it asserted, that the debts of the Civil List had been paid by parliament in the reign of George the 2nd. His late majesty had, indeed, two sums granted him by parliament, upon the account of the Civil List; 115,000*l.* in 1729, and 456,733*l.* in 1747. The first sum was granted upon account of the arrears of the Civil List revenues, and was to be replaced at his demise out of the out-standing arrears of those revenues, if those arrears, together with the 115,000*l.* should be more than sufficient to make up the produce of the said revenues, 800,000*l.* a year for his majesty's reign. That sum was accordingly replaced to the public, at his majesty's death, out of those arrears. The second sum of 456,733*l.* was the deficiency of the Civil List duties for the 7 years preceding 1747. To this the king had a strict legal right, by the Civil List Act passed the first year of his reign. In neither of these cases was the Civil List debt laid before the House. The king asked for no benevolence from his parliament, but strict justice. In fact, the Civil List was in 1747 in debt very near 200,000*l.* more than the sum voted by parliament; but for that his majesty thought he had no claim upon his people. It is observable, that from that period to the resignation or dismission of the duke of Newcastle, the payments of the Civil List were never six weeks in arrear. After that noble duke's dismission, there was great talk of economy, but practice did not keep pace with professions; if we except the lord steward of the houshold, upon whom much unjust censure has been passed; he professed economy, and practised it. In consequence of his reductions, the tables which remained were better served than they were before: many tables were abolished; but those for whom they were designed had board wages, by which they rather gained than lost, and a considerable saving was made for the king. Lord Talbot likewise did another thing, which he recommended to the imitation of others; he diminished, indeed, his own patronage by it, which might be held as an objection to the practice, but he made a considerable saving, by striking off useless places; the persons who lost them were placed upon the king's bounty list, and succeeded to other employments upon vacancies. But while lord Talbot was striking off places of 2 or 300*l.* a year at one end of the palace, at another, new places and pensions of 500*l.* 1,000*l.* or perhaps 2,000*l.* a year were added to the civil establishment. From this source rose originally the debt of the Civil List, joined to the necessary expences of coronation jewels, funerals, and marriages of the royal family. During the period of the first eight years of the reign, ministries were of so short a duration, that it was impossible for any one minister to make the necessary reductions after the debt was once incurred. The noble lord in the blue ribbon was the first who had it in his power; he has been seven years at the head of the Treasury. Great additions have been made to the royal income, by the deaths of the princess of Wales, dukes of York and Cumberland, and other branches of the royal family. His Majesty, at the beginning of his reign, paid 157,000*l.* a year to the different branches of his family: his royal predecessor paid, for the greatest part of his reign, from 130,000*l.* to 140,000*l.* a year, and besides kept table at St. James's for many of them and their attendants. His late majesty, during the life of queen Caroline, lived in splendour in the summer at Hampton-court or Windsor, and since her majesty's death, at Kensington.

The noble lord had declared, that none of the expences were incurred for the sake of influence. Another gentleman had mentioned the period of sir Robert Walpole's administration, as a time when that evil existed in a much greater degree than at present. Mr. T. differed widely from the latter; he believed, that when that gentleman considered the vast increase of all our establishments, the increase of our possessions in every part of the world; the numerous and advantageous contracts under government; the patronage which ministers have gained, through the medium of the East India Company; to which may be added, the increase of debt, and of officers in the collection of the revenue, he would be inclined to retract his opinion: perhaps he would join with him in thinking, that the influence of the

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crown was nearly trebled since the time of sir R. Walpole. He observed, upon a comparison of the suspicious articles of Pensions, Annuities, and Secret Service, in the last eight years of the late king, and the eight years in which the present debt has been incurred, a considerable exceeding in the latter period of 257,703*l*. It is observable, that the last eight years of the late king included the greatest part of the late glorious war, during which there certainly must have been occasion for no small sum of secret service money for purposes truly national.

If the noble lord would set himself seriously to work at a reduction of expences, he was confident, it might be effected without meddling with any thing, in which his Majesty's private comfort, the dignity of the crown, or the service of the public were concerned. The foundation of his confidence was this; that Mr. Grenville, in office, as well as out of office, declared the 800,000*l*. to be sufficient. Being called upon to know if he intended to increase the Civil List, that minister treated the report as a calumny. He said in the strongest terms, that while he continued minister, he never would ask for any augmentation, or for any sum on account of the Civil List: perhaps that declaration might be among the reasons of his dismission. The noble lord chuses to avoid that consequence, and says, "God forbid that I should lose my office." When he is questioned upon the subject of the increase of expence of the Civil List, he answers undoubtedly in a much more becoming manner than Mr. Grenville did, "If you will contrive, that nobody shall be desirous of places and pensions, I will cease to lay burthens upon the public, to provide for suitors for places and pensions." This answer never occurred to Mr. Grenville; perhaps it was not so well suited to those times, as to the present, any more than to the grave character of that minister.

Upon the whole, Mr. T. was of opinion, that resolving the House into a committee on the Message, was a more parliamentary measure, than referring it to the committee of supply; that in the latter, the House could only consider of the sum to be voted; in the former, the whole question would be open to discussion. A minute discussion was necessary in times like these. The public burthens were increasing rapidly; the power of the crown gaining ground upon the people in the same proportion. Œconomy, real œconomy, by retrenchment of expences, was the only method by which those evils could be restrained. The noble lord would, in a few weeks at farthest, call upon every gentleman in England, to contract his expences; let him set us the example. In a committee upon the Message, the House might see where savings might be made. If the noble lord was serious in his intentions of lessening the expences of the crown, the authority of parliament would strengthen his hands, and furnish him with a weighty answer to unreasonable solicitors. Mr. Grenville, whose memory the noble lord sometimes affected to treat with veneration, was not more conspicuously serviceable to the public in any part of his character, than in the steadiness and perseverance with which he gave his negative to the importunate demands of rapacious and insatiable courtiers.

If the noble lord was not sincere in his professions of œconomy, the committee could, and ought to controul him. With the assistance of parliament, an honest minister might do great good. Without parliament thought this was an object of enquiry, he foresaw little good would be done. The principle upon which this sum, and the increase of the establishment were demanded, was a progressive one: he saw plainly, that in making this demand, a foundation was laid for making further applications. Parliament ought to be wilfully blind upon no part of this business. He was afraid, that this branch of the legislature had been for some time declining in the opinion of the people. He, who wished it to resume its former lustre and importance, thought it could not seize upon a more favourable opportunity than the present. He thought no way could be more likely for them to regain the confidence of the nation, than by shewing themselves, what it was their right and their duty to be, the guardians of the purse of the public, and with it of the liberties of their country.

Mr. *Fox*, after describing what he termed the wanton profusion of ministers for a series of years back, in the several great departments of the state, and the shameless prodigality which prevailed in the disposition of the revenues of the Civil List, predicted a day of reckoning, when probably ministers would not be permitted to pass such accounts, as those lying on the table. He told the House, that he should not go over the items that had been already mentioned; and to which, there had

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not as yet, even so much as the colour of an answer been given. There was one article however, which he could not pass over without mentioning; and presumed, it struck every gentleman present as well as himself with astonishment. It was the sum of 513,000*l.* stated under the head of the Board of Works, in the course of the last eight years, without telling to whom the money had been paid, on what account it had been paid, or on what palace, house, park, garden, or place, the money had been expended. He observed the conduct of the minister, in 1769, though the noble lord now disclaimed the appellation, was much less reprehensible than now. He then acted openly, and came boldly to parliament to demand a round sum, without account. "I want the money; I cannot wait; grant it now, and you shall have the account next year." On this occasion, parliament had the option to grant or refuse; to take his word, or disbelieve it. New men, new measures; the noble lord tells you this day, very gravely, that he was not then first minister; but that since, he has become one entirely on his own bottom; that accounts ought to precede the grant; but when the accounts come to be examined, what do they turn out? No accounts at all; but a detail of arbitrary sums, for ought we know, set down according to the fanciful ideas of several persons who wrote them; and all consolidated into one round sum, which we are called upon to grant out of the purses of our constituents, without being satisfied that a single item is fairly or perfectly stated; unless we trust to the integrity of ministers, and the fidelity of their subordinate instruments. Well, taking it for granted, that the sums are truly stated, why trouble the House with such an account at all, unless to add mockery to contempt, and blend insult with derision. When we had no account, we trusted to ministers. Now that we have an account, we are equally compelled to be satisfied with their bare word. So, that taking the matter in its true light, the present proposition is neither more nor less, than a demand the minister makes on parliament for 618,000*l.* which he says was expended in the public service; but of the reality of such expenditure, we properly know no more than we do of any sum of a like amount, expended by any prince in Europe. We are precisely as well informed now how this debt was incurred, by the curious account lying on the table, as we were in 1769, without any account.—He next attacked lord North on his denying he was minister when he brought a like message, eight years since, and obtained the object of his errand. This he treated as the most shameful and barefaced evasion. He declared the sentiments of that administration, which from his post of Chancellor of the Exchequer, of which he formed a part, he stood therefore doubly bound, both as an individual, and a member of the cabinet. In the next place, as he was the bearer of the message, he stood pledged as the messenger, or the representative of the sovereign. The message was to demand a certain sum of money to pay the King's debts; the condition that accompanied it, though not contained in the message, was, that no applications of a like nature would be made hereafter. Who was to impart them to the House? The bearer of the message, and no other. But, allowing that the noble lord was neither bound, as a member of the cabinet, an individual, or messenger representing his sovereign, he stood nevertheless in a mixt official and ministerial situation, from which it is impossible for him to recede; he came to parliament, as the minister of the House of Commons, and Chancellor of the Exchequer. He was responsible as minister, for his ministerial assurances, as much then, as at present; and as Chancellor of the Exchequer, he was bound by the nature of his office to know that his assurances were founded in truth. Take, then, the matter in the noble lord's own way; does he not stand on the precise ground he did then? Did he not come in 1769, as well as in 1777, as minister of the House of Commons and Chancellor of the Exchequer, not as first lord of the Treasury, and prime minister? But convict the noble lord on any or all of these grounds, and he still imagines he can evade his pursuers. He says he never gave any such promise. Will his lordship rest his justification on that alone? If he does, I pledge myself to prove he did; if he will not, but will contend, that he is not bound in one event by a promise, which he denies in the other, I submit whether in the opinion of all impartial men, the noble lord be not in fact convicted on both grounds. If, however, he should still rest his defence, on his not being responsible for any acts of his, ministerial or official, he would nevertheless on the present occasion, out of regard to his own honour and character, recommend to his lordship, to consent to

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the proposed Committee of Enquiry; because, if any malversation in office, any waste of public money should have happened, the blame would fall of course on his lordship, as Chancellor of the Exchequer. Not supposing that there existed the least ground for any such imputation, he looked upon it to be peculiarly incumbent on his lordship, cheerfully to go into an enquiry, which, he presumed, would turn out so much to his lordship's honour. He perceived that the charge of ambassadors was a very heavy one; besides, envoys and ministers were sent to every petty state; he knew the disagreeable predicament a minister, willing to make a reform, would stand in, were he to attempt it on his own strength. It would be prodigiously irksome to be obliged to say to a secretary of state, who has so few appointments in his gift, "I must strike off such and such envoys who are in your department, the state of the Civil List requires it, &c." While, on the contrary, if a parliamentary enquiry was set on foot, and arrangements made to take place in consequence of such enquiry, in order to reduce the expenditure, the blame would be shifted from the minister, and the superfluous branches of the Civil List might be pruned, or totally lopped off, without giving any direct offence to those who might, on the mere personal interference of the minister, look upon themselves pointed at, and ill treated.

The House then divided on lord John Cavendish's Motion:

Tellers.

YEAS	Mr. Thomas Townshend Mr. Byng - - - - -	114
NOES	Mr. Charles Townshend - Mr. Robinson - - - -	281

So it passed in the negative.

List of the Minority.

BEDFORDSHIRE.
County, earl of Upper Ossory.
Bedford Town, sir William Wake.

BERKS.
Reading, Francis Annesley.

BUCKS.
County, earl Verney.
Buckingham, James Grenville.
Agmondesham, Wm. Drake, jun.

CHESHIRE.
County, J. Crewe.

CORNWALL.
County, sir Wm. Lemon.
Liskeard, Samuel Salt.
Bodmyn, G. Hunt.
Fowey, Phil. Rashleigh.

CUMBERLAND.
County, Henry Fletcher.
Carlisle, Walt. Sp. Stanhope.
Cockermouth, James Adair.

DERBYSHIRE.
Derby, lord Fred. Cavendish.

DEVONSHIRE.
County, J. Parker, J. Rolle Walter.
Honiton, sir G. Yonge, Laur. Cox.
Exeter, sir C. W. Bampfylde.

DORSETSHIRE.
County, Hump. Sturt.
Bridport, T. Coventry.
Wareham, right hon. W. G. Hamilton.
Poole, Jos. Mauger.
Shaftesbury, H. W. Mortimer.

DURHAM.
Durham City, J. Tempest.

YORKSHIRE.
County, sir G. Savile.
Aldborough, Wm. Baker.
Beverley, sir J. Pennyman, G. F. Tufnell.
Heydon, hon. L. T. Watson.
Knaresborough, lord G. Hen. Cavendish.
Malton, Wm. Weddel, Savile Finch.
Northallerton, Hen. Peirse.
Thirsk, T. Frankland.
York, lord J. Cavendish.

ESSEX.
County, J. Luther.

GLOUCESTER.
County, sir Wm. Guise.
Tewkesbury, sir Wm. Codrington, J. Martin.

HEREFORDSHIRE.
County, sir G. Cornwall.

HERTFORDSHIRE.
County, Wm. Plummer, Thomas Halsey.
St. Albans, J. Radcliffe.

KENT.
County, hon. C. Marsham.
Canterbury, Rd. Milles.

LANCASHIRE.
Lancaster, lord Rd. Cavendish.
Liverpool, Rd. Pennant.

LEICESTERSHIRE.
County, J. P. Hungerford.
Leicester, hon. B. Grey.

LINCOLNSHIRE.
Grantham, lord G. Sutton.
Lincoln, lord Lumley.

MIDDLESEX.
County, J. Wilkes, J. Glynn.
London, J. Sawbridge, Rd. Oliver, Rd. Bull, G. Hayley.

NORFOLK.
County, sir Ed. Astley, T. W. Coke.
Lynn, hon. T. Walpole, Crisp Molineux.
Yarmouth, hon. Rd. Walpole.
Norwich, sir H. Harbord.

NORTHAMPTONSHIRE.
County, T. Powys.
Peterborough, Rd. Benyon.
Northampton, hon. Wilb. Tollemache, sir G. Robinson.
Higham Ferrers, Fred. Montague.

NORTHUMBERLAND.
County, sir Wm. Middleton.

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Newcastle upon Tyne, sir M. W. Ridley.
Berwick, Jacob Wilkinson.

NOTTINGHAMSHIRE.

Retford, sir C. Wray.
Newark, G. Sutton.

OXFORDSHIRE.

County, lord Wenman.

SHROPSHIRE.

County, Noel Hill.
Shrewsbury, Wm. Pulteney.
Bridgenorth, Tho. Whitmore.

SOMERSETSHIRE.

Taunton, Alex. Popham, J. Halliday.
Milborne Port, hon. T. Luttrell.
Bristol, Edmund Burke.

HANTS.

Whitchurch, lord Midleton.
Stockbridge, hon. J. Luttrell.

STAFFORDSHIRE.

Litchfield, Geo. Adams Anson.
Stafford, Hugo Meynell.

SUFFOLK.

Dunwich, sir G. W. Vanneck.
Aldborough, T. Fonnereau.
Bury, sir C. Davers.

SURREY.

County, sir J. Mawbey.
Blechingley, sir Rt. Clayton, Fred. Standert.

SUSSEX.

Shoreham, C. Goring.
Steyning, Filmer Honeywood.
Lewes, Thomas Hay.

WARWICKSHIRE.

County, T. G. Skipwith, sir C. Holte.

WESTMORELAND.

Appleby, G. Johnstone.

WORCESTERSHIRE.

County, Wm. Lygon.

WILTS.

County, C. Penruddock, Amb. Goddard.
Salisbury, hon. W. Hen. Bouverie.
Calne, right hon. Is. Barré, John Dunning.
Malmsbury, hon. C. J. Fox.
Heytesbury, gen. A. Ashe.
Luggershall, lord G. Gordon.
Downton, J. Cooper.

CINQUE PORTS.

Dover, J. Trevannion.
Winchelsea, Wm. Nedham.

WALES.

Carnarvonshire, T. A. Smith.
Merionethshire, E. L. Vaughan.
Montgomeryshire, Wm. Mostyn Owen.

SCOTLAND.

Dundee, G. Dempster.

TELLERS.

Whitchurch, T. Townshend.
Wigan, G. Byng.

The House then resolved itself into a Committee of Supply, and came to the following Resolutions:

1. "That the sum of 618,340*l.* 9*s.* 6¼*d.* be granted to his Majesty, to discharge the Arrears and Debts due and owing upon the Civil List, on the 5th of January 1777.

2. "That for the better support of his Majesty's household, and of the honour and dignity of the crown, there be granted to his Majesty, during his life, out of the aggregate fund, the clear yearly sum of 100,000*l.*, to commence from the 5th day of January 1777, over and above the yearly sum of 800,000*l.* granted by an Act made in the 1st year of his Majesty's reign."

April 18. As soon as sir Charles Whitworth came to the bar, in order to present the above Resolutions,

Mr. *Dempster* opposed the bringing up of the report, and recommended a committee of enquiry, as well into the manner, and by what means the debt was incurred, as what might in future be a competent provision, for the maintenance of the honour and dignity of the crown. He said, with whatever confidence ministers might be emboldened to come to parliament, from repeated experience, there had been always, till the present occasion, some little decency, some formality, some attention paid to office usage, and the etiquette of parliament. Applications were usually accompanied by the motives which gave birth to them. If an augmentation of funds was required, the cause of the deficiency was stated; if the deficiency was ascertained, the mode of raising that deficiency was pointed out. But how was it on the present occasion? Deficiencies were stated without shewing the increase of expenditure that caused them; and a fund was desired to be created by parliament, without a single proof of the necessity of such a provision. He could not, without astonishment, see an increase of near half a million on four articles unaccompanied by a single voucher to authenticate them. The heads of expenditure he particularly adverted to, were those of the Cofferer, Treasurer of the Chamber, Master of the Horse, Secret Service, and Pensions. No man would more cheerfully co-operate in relieving his Majesty from his domestic embarrassments; nay at all events, to pay his Majesty's debts; but while his zeal would prompt him to go thus far, his duty as a member of that House, must compel him to know in what manner those debts were contracted. Supposing an act of oblivion were to take place in respect to what had already passed; allowing that the debt ought to be paid, without retrospect or enquiry; the second Resolution, which was to lay an additional burden of 100,000*l.*

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per annum on the nation, demanded the most serious attention parliament ought to know, whether all, or any part, or a greater sum, were necessary to support the dignity of the crown. That could never be known, till the real outgoings were satisfactorily ascertained; till necessary expences were distinguished from those that were unnecessary; and till the people were satisfied, that the burdens borne by them, were not to answer the purposes of corruption, by influencing the conduct of their representatives in parliament. On the whole, he observed, that much the greater part of the excess of expenditure, arose under the five or six heads before mentioned; upwards of 400,000*l.* was written off in a few lines. Whatever inclination, therefore, he might have, out of respect to his Majesty, to pay the debt already contracted, he could not in conscience consent to add 100,000*l.* to the 800,000*l.* a year, at present settled on the crown, if the friends of the augmentation did not first consent to go into a committee of enquiry. The accounts before the House were defective; and where they were not, they were obscure, and unintelligible; he should, on these several grounds, oppose the bringing up of the report, till an enquiry was first had to shew that such an augmentation was necessary.

Sir *Edward Astley*, as a country gentleman, could never agree to lavish the property of his constituents in such a profuse manner, without knowing how it was disposed of. In 1769, ministers acted both more modestly and consistently: they asked for money only to pay the King's debts, they desired no augmentation, because they said none would be wanting. They produced no accounts; they said the debt was contracted: it must be paid; but it should not be so in future. What is the conduct of ministers on the present occasion? They pretend to produce an account, which is in fact, no account, because it is neither vouched nor documented, nor can it be understood. They adopt the language of 1769, that the debt must be paid; and they demand an augmentation, without adducing a single proof that it ought to be granted.

Mr. *Stanley*, to explain how the excess in the cofferer's office had been caused, said, it was not the business of that office to examine into the detail; the warrants being the only vouchers. The cofferer issued the money directed to be paid; his account properly contained nothing more than the receipts and disbursements; when, therefore, money was issued by the cofferer, it was no part of his duty to know for what particular service the money was paid, but whether the order came properly authenticated to his office.

Lord *North* observed, that if the accounts were defective, it was not the fault of administration; they were made up pursuant to the precedents of office, except in a few instances, those of the treasurer of the chamber, &c. which he had so fully explained in the committee, to have been occasioned by the papers being taken away by their predecessors in office, which only could have afforded the satisfaction now so earnestly sought. Throughout the arguments used by gentlemen on the other side, it was taken for granted by them, that the extra revenue of the crown was something very considerable. That, he said, was the most mistaken idea that could be well conceived; for except the duchy of Cornwall, he scarcely knew of any benefit his Majesty drew from the extra revenue.

Governor *Johnstone*, after taking a review of the principal arguments which had been employed by those who supported the propriety of discharging the debt and voting the augmentation, said, he was against both measures. It was a current expression from several parts of the House, "The King's debts ought to be paid, but we will not grant an augmentation of the Civil List;" but I say no, the objection lays equally against the debt and augmentation. If the debt has been fairly contracted it ought to be paid. If it has been fairly contracted, the incurring such a debt can only be justified on the ground of necessity; and if that plea will stand the test of enquiry, then an addition to an incompetent revenue will follow as a matter of course. But how are the premises to be ascertained? Not, surely, by the accounts now lying on your table. They tell us nothing; they leave every thing in obscurity; or they are manifestly calculated to impose and mislead. When, therefore, I say I am equally against paying the debt, and granting the augmentation, I would be understood, that I cannot, consistently with my duty, as a member of this House, agree to either, till I receive that species of information, that may lead to shew that the debt was in the first instance necessarily incurred; and that the addition is a necessary consequence of that

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expenditure, which experience has shewn the maintenance of the honour and dignity of the crown requires. If this be not fair reasoning, I should be glad to know, what would the negative go to prove; but that the minister for the time being might lavish the public treasure as he pleased; or incur debts to any amount he thought proper; and then come to parliament without any account, or with any account, however imperfect, and desire that the debt thus incurred might be discharged. Is not the latter precisely the case at present? Was not the former exactly the case in 1769? Standing, therefore, on this ground, I shall resist every proposition for a grant of public money, which is not accompanied by the reasons which support it, and the propriety, if not necessity of granting it; because, if some stated rule be not adhered to, the argument would come to this: that a mere incurring of a debt would establish a claim for its payment; and he, in whom this unlimited power of virtually pledging the public to the payment of whatever debts he might contract, was placed, would certainly hold the public purse, to use it at his pleasure.—The governor made several observations on the encouragement such a parliamentary doctrine would give to future ministers, if assented to in the extent he heard it argued the other night. The noble lord in the blue ribbon knew the full operation an addition of 100,000*l.* a year would have on the understandings of some idle or sceptical members; and how effectually it would serve to oil the wheels of government, now and then apt to run heavy. His lordship was fully apprised how many had tasted of the sweets extracted from the Civil List revenue; how many wished to partake more bounteously of them; and what a new supply the proposed addition would afford. Yet able as his lordship was, and ready to oblige his friends, he suspected the augmentation would operate contrary to his expectation, in more instances than one; it would create solicitations for favours; it would render the hungry and unsatisfied dependants of the court, more pressing and enormous in their demands, whereas, voting against the measure, and defeating it, would be the only means of proving to them, that all their resources, through that channel, were cut off. In these days, a sum of nearly 200,000*l.* a year was looked upon as a trifle; yet trifling as it might appear, when laid down on the large scale of millions, if members were yet to be bought at the current established price, some few years since, at 600*l.* per annum, 200,000*l.* prudently laid out, would purchase a clear decisive majority of that House, without even the assistance of the present standing corps of pensioners and placemen, already retained by their places, pensions, and annuities, in the service of government. But if administration, already strong enough in numbers, should think better to lay out a part in the purchase of the venal rotten boroughs all over the kingdom, this 200,000*l.* a year might be most usefully employed, and the court have it in its power to make members, and not be at the trouble of bribing them. The noble lord had confined the whole income of the extra revenue to the duchy of Cornwall. This was a language totally new to him. He should be glad to know what was become of the revenue formerly drawn from the principality of Wales, of the 4½ per cent. duties, on the produce of the Leeward islands; of the revenues of the bishopric of Osnaburgh, and those drawn from the duchy of Lancaster and from Ireland. His lordship, the other night, seemed to be quite certain of recovering America, and counted on his Majesty's hereditary revenue in that country as a matter of course. If so, the rents there would gradually increase; and would augment the extra revenue, which, with the other branches of it already enumerated, would in a few years, if prudently managed, create an additional fund, that would form an ample revenue for the first crowned head in Europe. In the account of the secret service, it appeared, that within the last eight years the enormous sum of 600,000*l.* had been lavished under that head of expenditure, a great part of which was directly issued to sir Grey Cooper and Mr. John Robinson, secretaries of the Treasury; and he presumed, if common sense was to govern, if probabilities were to prevail, it must be concluded, that all, or the greater part of the money paid into the hands of those gentlemen, was distributed among members, in order to influence their voices in parliament; or at least, in order to regulate their parliamentary conduct, by enlightening their understandings. Nay, said he, I will not stop here, I will say, that all this money has not been distributed among the members of this House; part of it has gone to my countrymen, in the other; and yet finally operated within these walls. It has been distributed in a

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manner, which I much more disapprove of, because it has effected double mischief. My countrymen, the Scotch lords, have not only got part of it for their votes, but for doing worse, for influencing the elections in that part of the kingdom; and by that means, sending us members to this House. They are chosen themselves by the minister for the time being. They, in return, chuse representatives for the people; they send their choice here, not to vote or act according to opinion or conscience, but as their patrons direct them. In a few lines, three millions of money are set down, without a single voucher; which is no more than saying, "We have received so much; we have paid so much; the balance is so much against us; and consequently we owe so much." This I will venture to contend, is no account; and if prudence is to govern us, and we are to pay the debt incurred without account, for God's sake let us not depart from every rule of usage, justice, and common sense, by voting an addition without account; or till some grounds are laid before us, to shew that such an addition is necessary.

Mr. *Welbore Ellis* took a review of the several applications made by the crown to parliament, since the Revolution, in order to shew, that it had been uniformly the custom, to grant the money required in most instances, without any account; and where accounts were presented or called for, with accounts made up in the manner now so severely censured; so it was in 1710, in 1721, and in 1725, at the accession of his late Majesty, when the 100,000*l.* augmentation was made to the Civil List revenue, which was then fixed at 700,000*l.*; in 1747, and since the accession of his present majesty, in 1769. On all of these occasions no accounts were produced; or they were accounts like the present, shewing the gross expenditure, under the several heads. As to the secret service money, which had furnished so happy a topic for the gentleman who complained of the enormity of the expence, it just amounted to this, in fair argument: either such a head of expenditure ought, or ought not to be permitted. If it ought, it was idle to find fault with it; the very title was expressive of its true nature. It was money given for certain secret transactions, which it was proper to conceal, and supposed to be for the interest of this country. The employing this money wisely and faithfully, was entrusted to certain persons, who were bound only by a faithful discharge of their duty; if there was any thing, then, in the objections made, it could not reach the mode of making up the account; it must be entirely personal, against those who distributed the money. If no such power ought to be intrusted to ministers, that indeed, might be a reason for discontinuing the secret service money in future; but till such a resolution was taken, it must be provided for; and from its very nature must continue to be accounted for, in the customary manner, as none other would be practicable.

Colonel *Barré* declared, he was totally against paying the debt, or making any further addition or allowance whatever. In 1769, he recollected very well the conduct of the noble lord, who was then, as well as now, Chancellor of the Exchequer. When pressed on that occasion, from this side of the House, he solemnly pledged himself, that he would never come again to that House, on the same errand; that he would not advise the King to promise what he could not perform; but to endeavour to keep within bounds; and if he could not keep within the 800,000*l.* in that case, he should certainly advise his royal master, not by any means to apply to parliament, without accompanying such application with the most full and satisfactory accounts. Now, how has the noble lord performed his engagements with parliament and the public? He has come again to request from this House, to pay the debt incurred by the crown. He has not kept the Civil List expenditure within the bounds he promised to endeavour to limit it; but if that should prove impracticable, he has totally failed in the performance of the condition annexed; he has not accompanied the present application with the necessary accounts; and still to heighten the whole, he has come with the modest demand of 100,000*l.* addition, without a single document to justify his request.—The colonel next turned his attention to a certain race of animals, who were daily increasing in this country, called Contractors; and, if he was well informed, the noble lord gave every encouragement in his power to the propagation of this species of the canine and carniverous. His lordship not only tamed and domesticated them when they fawned, and cringed, and flattered; but he hunted and sought them, and never was easy till he secured them within the pleasing toils of

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a fat lucrative contract. As his lordship seemed so fond of contractors, in all transactions, more immediately within his own province, ministerial and official, it might be fairly presumed, he was equally solicitous to encourage them in every thing respecting the royal household. Some, he presumed, contracted to supply his Majesty with bread; others, meat; a third kind with wine; a fourth, beer, &c. Now, if one might judge, from the manner the contracts for the American war were made and executed, and suppose, that his Majesty's houshold was supplied upon similar terms, it would be extremely easy to account for the debt incurred, without supposing that the expenditure had been laid out in corrupting the members of either House of Parliament; nay, if the debt was treble what it is, as he was well convinced, there was not a single contract of any consequence, made since the commencement of the American war, that the public did not pay full 40 per cent. over and above the market price, and paying for every risk of insurance, and reasonable allowance for time and trouble.—He next enumerated the several sources of the extra revenue, and insisted, that independent of Hanover or Osnaburgh, his Majesty was in the actual possession of a million a year; and he confessed, he was much astonished to hear his lordship confine the extra revenue, to the duchy of Cornwall, in exclusion of the duchy of Lancaster, principality of Wales, 4½ per cent. duties, and the revenue drawn from Ireland, which alone, at this instant, amounted to full 90,000*l.* per annum, 50,000*l.* of which was paid to persons resident within this kingdom. He concluded, with describing the hardships borne by the Irish, the oppressions the poor labour under, the decline of their trade, the ruin of their staple manufacture, the wanton restraints laid on their commerce, and a variety of other particulars; and finally affirmed, that no nation under the sun was ever so fleeced, scourged, and oppressed as the Irish.

Mr. *Grenville* said, though he had as high respect for the person of the King, and was as zealous to support any measure which promised to promote his domestic happiness, as any person in that House, he should not deserve the name he bore, if he betrayed the duty he owed to his country and his sovereign, by giving a silent vote on the present occasion. He was fully satisfied, from papers which came to his hands, from the most clear, incontrovertible, and authentic documents, that 800,000*l.* a year, was a most ample revenue, if frugally, faithfully, and judiciously managed, to support in the utmost splendour, the lustre and dignity of the crown. He heard some very strange things fall from the friends of the measure, and particularly from the noble lord, who brought the message. The noble lord said, that the King drew no advantage whatever from the extra revenue, but from that part of it which arose within the duchy of Cornwall. The fact might be so; he hoped the noble lord was mistaken or misinformed. If he was not, surely the matter was deserving of the most serious attention of that House, to discover how, or where the remainder of the extra revenue was sunk. Was the revenue no more; or was it still in being, but granted in such a manner, as to transfer the controul and possession of it, from the crown into other hands? This was a matter that called loudly for investigation; because, in the first place, his Majesty should not be represented as possessing a revenue long since annihilated, or out of his power; and parliament and the nation should be informed, how the revenue came to be annihilated or alienated. Such an enquiry, would lead to an account of the 4½ per cent. duties, the revenues drawn from the principality and duchy, and the whole of the casual revenue, not appropriated by parliament. With regard to the 4½ per cent. he had, indeed, heard strange doctrine from the noble lord, that it was ruined by the many grants of pensions now upon it; did the noble lord mean, that because it was all exhausted by the crown pensions, that therefore it was no part of the revenue? Or, did he not know that the whole of such grants were illegal? A language which he was authorized to hold, as he was warranted by the Journals so to do; as he would, if called upon, refer to a resolution of that House, declaring such grants illegal and unconstitutional: that if no one contradicted his assertion, he hoped the House would give credit to it, and he would prove it if necessary. He repeated that 800,000*l.* was a noble and ample revenue; and though it were not, it was incumbent on administration to satisfy parliament, upon the most unequivocal proofs, that it was necessary to augment it.

Mr. Alderman *Sawbridge* contended that the deficiency now desired to be provided for, might easily be accounted for,

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without having recourse to the increased price of the necessaries of life; it had been employed in corrupting both houses; it had been spent in private, as well as public pensions; in single bribes, in temporary gratuities. The Civil List revenue had been drained by as many different means as want suggested, or as corruption was capable of devising. Pensions during pleasure were granted, the most sure and certain means of keeping members to their duty, by having the terrors of its being withdrawn continually suspended over their heads, as soon as ever they dared to think for themselves.

Here a great confusion arose, some calling to order; some to take down his words; others, hear him, hear him! as soon as this had subsided a little, Mr. Marsham desired that the hon. gentleman might name the members of that House who enjoyed pensions during pleasure, as there was a statute in being, which created a disability from any person sitting there who enjoyed a pension during pleasure. Several members on the Treasury bench, and in that part of the House, desired that the words might be taken down by the clerk. Others insisted, that such a mode of proceeding was not parliamentary, for the hon. gentleman was at liberty to retract his words, if any passionate expression had fallen from him in the warmth of debate; or explain them, agreeably to the sense he meant they should convey. This argument was replied to by a general cry, loudly vociferated from the same quarter whence the noise and confusion from the beginning originated, "repeat them, repeat them: he will surely not refuse to repeat his words."

Mr. *Burke* endeavoured to still the uproar, by jocularly observing, that the words "influence the members" and "increase the influence of the crown," were the current and fashionable expressions used in the former debate, as well as the present, which substantially imported the same with the words which had now given such high offence. For his part, he could see little difference, if any, between influence and corrupt influence; and corrupt influence and downright plain corruption. He confessed, however, that the sound of the latter was coarse and impolite, when compared with the former. On this ground, therefore, the whole matter might be explained to the entire satisfaction of all parties; those who liked, and those who disliked the word 'corruption:' for though it should be given up by one side, the sense would be still retained, and it would completely satisfy such as disapprove of it, that it was to be discarded for ever out of the parliamentary vocabulary. The hon. gentleman was a citizen, and had not attained to that height of polite phraseology, for which such as happily reside at the other end of the town are so justly distinguished; for which reason, what a courtier or an inhabitant of the west end of the town called influence, the worthy alderman, according to his gross mode of expression, very improperly called corruption.

Mr. *T. Townshend* said, that Mr. Sawbridge had a right to explain his words, and he was sure he would, if the House thought proper to insist on an explanation.

Mr. *Sawbridge* was much obliged to his friends, for the readiness they had manifested in endeavouring to prevent the displeasure of the House from falling on him; and to those who had manifested their zeal on the other side. The former he begged to acquaint, that he never meant to retract his words, or explain away their meaning; and to the latter he would now give the opportunity they seemed so anxiously to desire; he would repeat what he said at the onset. "I say, there are several members who have pensions during pleasure." These were my words, I repeat them, and I desire, if those zealous gentlemen, who were so vociferous a few minutes since, think proper, that they may take them down. There are members of the other House who have pensions during pleasure. Without, therefore, retracting or explaining my words, I again assert, that there are members who enjoy pensions during pleasure. He then directed his attention to lord North, whom he charged in the roundest manner with squandering the national treasure, in some instances, to the very worst purposes: some of the very debt which the noble lord applied to parliament to pay off, was squandered away in hiring spies and informers, to ruin and distress innocent men; men in every light as loyal to the King, and as faithful to their country, as their persecutors would persuade the world to believe they themselves were. He then mentioned the affair of Dignam*, and charged administration with

* David Brown Dignam had been recently sentenced to hard labour upon the river Thames, for obtaining money under fraudulent pretences. Before his trial, he pretended to discover to the

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the most nefarious designs, in hiring a profligate ruffian to impeach him, and several other members of both Houses, of an intention of carrying into execution the most cruel and bloody purposes.

Lord *North* denied that administration had at all been instrumental in encouraging Dignam. He affirmed, that no money had been given to him; and that what was done by the secretaries of state was an act of office duty, which if they had neglected would have justly made them liable to the most severe censure. Every servant of the crown is, from his situation, bound to listen, though not to believe. Not to do the first, would be treachery; to be operated on by the last, on improbable or insufficient grounds, would be preposterous and absurd. What, then, was the conduct of administration? They steered clear of both objections. They did not reject without enquiry, nor did they credit what in itself appeared to them highly improbable. They examined Dignam closely; they endeavoured to sift him to the bottom. They heard with astonishment his narrative; and perceived that it bore throughout the strongest marks of plausibility, if not authenticity. They nevertheless acted with prudence, and resorted to every precaution which wisdom could suggest in so critical a situation. They sought for collateral proofs of the truth of what he asserted in regard of others, as well as testimonies of what degree of credibility he was entitled to. They ordered him to be watched; his haunts were thereby discovered; and what appeared from the beginning suspicious, proved soon true; he was found out to be a villain, a liar, and an impostor; and as such was dismissed, and abandoned to his fate. He could not help observing how bitterly the worthy alderman complained of the injustice Dignam had done him, by inventing such gross falsities; and yet the worthy alderman, at the very instant he is stating his complaint, is himself guilty of a fault of a similar nature; he charges him, and the rest of administration, with giving Dignam money. He assured the worthy alderman, that Dignam had no money; and that he was not suborned, but offered his information voluntarily; he therefore could not otherwise account for the alderman's assertions but by supposing, that as Dignam had asserted falsities of the alderman, he, in return, was resolved to retaliate on administration. An hon. gentleman (Mr. Burke) had employed a great deal of wit and ingenuity in reconciling the alderman's intentions and expressions, and the currency of certain words, at the different ends of the town; and with his usual philological perspicuity shewed the general acceptation of the words influence, corrupt influence, and corruption; and supposed that his city friend, as a citizen, had chosen the gross word corruption, as most agreeable to city manners. The noble lord answered a great many questions put to him from several parts of the House, relative to the accounts of the Treasurer of the Chamber, Cofferer, Master of the Horse, Pensions, Annuities, Ambassadors, and Secret Service. He asked the gentlemen in opposition, if what they desired was a minute account, vouched by the petty tradesmen's bills, the grocer, butcher, baker, &c. &c. If those were the accounts they sought, they were not, it was true, to be had, because they were unnecessary; but if they wanted a faithful and full account of the expenditure, it lay on the table for their perusal; and must, he was certain, afford ample satisfaction to every person who did not come to that House predetermined to find fault.

Mr. *Fox* said, there was a very material difference between producing vouchers for each article, or even small sums paid to petty tradesmen, and not producing a single authority or document which was sufficient to satisfy the House, that the gross sums charged were faithfully expended under the heads in which they were charged; and he defied his lordship, with all his wit and ingenuity, to shew by any true criterion of distinction the least shadow of difference between an account thus unvouched and no account. He begged the attention of the House to this single illustration of the subject of debate; what substantial difference did it make, whether the 618,000*l.* was written off in a single line, twenty, or five hundred, when the several sums set opposite the respective items came totally unaccompanied by vouchers? He next drew a comparison between the present administration, and that of the late duke of Newcastle; and so pushed it back to the commencement of the late

Secretary of State, a plot, which he said was formed by several noblemen and gentlemen to assassinate the King. He pretended that Mr. Sawbridge was one. The tale was at first listened to, but in a very short time the whole was found to be an infamous falshood, entirely of his own invention. See Gentleman's Magazine, vol. 47, p. 191.

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reign, which he contended was the most great and glorious this nation ever beheld. It was a reign of principle throughout; the sovereign was honest, steady, and sincere. His ministers sought his personal satisfaction and domestic quiet; and maintained the honour and dignity of the nation. Even the different parties who caballed for power, were open in their professions, faithful to the doctrines they professed, and to the persons with whom they associated. What was now the case? Corruption and patronage had overspread the land. The King's name was frequently prostituted by his ministers, to purposes which he was certain the sovereign was too good a man, and too great a King, ever to have sanctioned, if he had previously discovered the concealed but plausible motives whence they originated. Ministers disdained to pursue such appearances. Majorities were found to support the worst measures with as much alacrity as the best. The influence of the crown derived additional strength from its power over the treasury, and majorities were now called upon to make good the very rapine and plunder they had long since shared; and to create a fund in future for the same purposes. To finish the comparison, and bring the two reigns into a complete counterview, all principle, as well in politics, as morals, had been, since the commencement of the present reign, entirely exploded. That very formidable phalanx which now lines the treasury bench, have thrown aside their opinions the day they accepted of their appointments. Corruption sweeps every thing before it. Its power or influence, or whatever else it may be called, is almost irresistible. It is now got to its zenith. Sir Robert Walpole, it was said, was the father of corruption; the present minister is his equal, if not in abilities, at least in his art of managing parliaments. He has improved on the founder of this corrupt system; he has carried it to infinitely a greater extent. But then, he has had the address to lose half the empire, as one of the first happy consequences of his experimental improvements.

Mr. *Burke* entered into a detail of the Civil List expenditure; compared it with that of every reign since the Revolution, particularly the late reign; and proved from a variety of documents, that the Civil List revenue, as it now stood, if properly managed, was amply sufficient to maintain the royal household in dignity, splendour, and affluence; and all the expences of the civil government, upon the most generous and liberal scale: from which he drew this natural deduction, that the excess of expenditure arose from a want of economy; or was employed to carry into execution a system of bribery and corruption, which had become for several years past the great engine of government in this country.

Mr. *Rigby* attacked opposition very violently. He said, no accounts were ever given, nor ought to be now given. That he was astonished how the noble lord could waste his time in answering all the trifling questions which had been put to him. For his part, were he in the noble lord's situation, he would make it a rule never to answer a question put by an individual member in his place. The minister had no occasion to waste his time so idly, and to so little purpose. If, on the other hand, the House, or the majority of it, as binding the minority, asked questions, or demanded explanations, then, indeed, it was incumbent on the minister to give such answers as were not inconsistent with his duty to his sovereign, and a faithful discharge of the particular office which he filled. He then turned his attention towards governor Johnstone, who, he said, had called for explanations, which he had no right to do. He allowed it might be the custom of that worthy venerable assembly, the parliament of Leadenhall-street; but he trusted he should never see the day that it would be endured as a rule in that House. Their conduct respecting their own affairs, did not encourage the world to emulate the politics of Leadenhall-street. The Company would have long since been totally ruined had it not been for the interference of parliament; they became bankrupt, and were on the verge of destruction, if they had not been snatched from it by the legislature. Now that they had got a little the better of their difficulties they began to relapse, and would once more call for the aid of parliament; but he hoped parliament would no more permit themselves to be imposed upon, nor longer trust the management of the affairs of the East to a set of men who had neither the abilities to govern well, nor the honesty to execute with fidelity.

Governor *Johnstone* replied warmly to the hon. member, and charged several passages in his speech with being no less destitute of truth and argument, than they were manifestly scurrilous and indecent. In reply to the charge of mismanagement

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against the East-India Directors, and the Company at large, he insisted that the hon. gentleman was much mistaken. The East-India Company's affairs were managed at least as well before as since government, not parliament, interfered; the latter being only an engine employed by the former to create a new source of patronage, and increase the influence of the crown. The Company, before parliament meddled with their affairs, acquired a great empire; it was well if the policy and wisdom that had been this night so highly extolled, would not, as it had commenced in injustice and oppression, be consequential of great mischief, and end in a total loss of that part of the British empire. But supposing that the mode of proceeding in Leadenhall-street was precisely what the hon. gentleman would represent it; supposing it was all disorder in Leadenhall-street, and corruption there and elsewhere, he should have thought the hon. gentleman would be the last in that House to have mentioned it. It was neither more nor less than criminating himself, not only individually, but as the head and oracle of a party. He had the sagacity to discover the sentiments of a majority, in Leadenhall-street as well as in Westminster. He had always the prudence, he believed, to vote in a majority. He had seen him attend regularly in Leadenhall-street at all the courts and ballots, to vote with his long train of dependents, clerks, and partizans; so that if the East-India Company had mismanaged their affairs, the hon. gentleman should have been charitable and tender mouthed, when he recollected, that he himself was one of the prime instruments in causing those miscarriages he now so loudly lamented, and unfairly attributed to others. The governor replied likewise to many of the explanations given by the noble lord on the Treasury-bench; and in particular to two articles; the secret service, and the privy purse. The former he observed amounted to 600,000*l.* and the latter to 300,000*l.* which was, he contended, enormous, and unprecedented in any former account during a like period.

Governor *Pownall* rose next, but the House grew clamorous for the question. If the House will indulge me, he said, with their patience, I will not detain them five minutes. As on the late application to parliament for payment of the King's debts, in 1769, I voted against the paying of them without account; and as I shall now give my vote for the payment of the present debt, as well as for the enlarging of the King's income, I should be glad to give the reasons on which I found my conduct. When the Message came to the House in 1769, and a motion was made thereupon to vote the sum said to be in arrear, without one article of account, gentlemen of the highest authority with me called for the accounts, and asserted, that as the 800,000*l.* per annum, which had been granted at the beginning of the reign, was, to their certain knowledge, not only adequate, but amply so, it was impossible such arrears could have been incurred, if there had not been some strange mismanagement, or some very reprehensible misapplications, which must appear if the accounts were laid before us: the accounts, however, were refused, and the question for the motion was put; I thereupon voted against it. The year after this, the accounts were laid before parliament, and though they were referred to a committee, no observations arose upon them, nor was any motion made in reprehension of them. I from that moment, therefore, considered the expences as irreprehensible and unavoidable. Upon the present application, the accounts are laid before us, and are now upon the table; they are in form and substance, article for article, similar to those laid before the House in 1770. Those were not censured. I must on the same ground think the expences contained in these accounts unavoidable; I can, therefore, find in my own reasoning, no ground of objection, and as I have heard no other reason from the debate, I shall give my vote for the payment of them. The expence of the late king's funeral; the coronation and marriage of his present Majesty; the marriage of his sister, as well as various extraordinary expences always incurred at the accession, were stated as reasons for the exceeding of the King's expences in that period. No such extraordinary expences have arisen or been incurred in the late period; yet it appears, that it has not been possible to confine the expences within the income. I have not heard any specific charge of reprehension made against the expences as they stand in the accounts before us; I must, therefore, suppose them irreprehensible and unavoidably incurred, and that, therefore, the present income is not sufficient and equal to the present ordinary expences of the crown.

The first Resolution was then agreed to. The second Resolution being read,

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Sir *James Lowther* moved an amendment, by inserting the words, "and for the different branches of the royal family," immediately after the words, "for the better support of his Majesty's household." He stated the situation of the two royal dukes; the one banished, and exhibiting to the world a neglected, distressed prince of England; drawing pity and compassion from foreigners, rather than respect and attention due to the rank he must ever hold, however persecuted, that of being brother to the king of Great Britain. The other prince had travelled under similar disadvantages, and was now reduced to a state of economy, becoming, indeed, his necessity and small income, but very ill suited to the rank he holds in this country, and to the respect he merits for a virtuous and exemplary conduct. Sir James expressed the warmest affection and attachment to his sovereign, and wished only to put it in his Majesty's power to accomplish those gracious acts towards his royal brothers, which would reflect the highest honour to his Majesty and this country; that ministers had stated the increased price of every necessary of life, as a reason for the debt contracted by the houshold; that, therefore, if the dearness of the times was sensibly felt with his Majesty's income, how much more so must it be, even to a degree of distress, in the small and insufficient incomes of the two royal dukes; that if ministers mean to appropriate the enormous sums now granted, for the real splendor and dignity of the crown, and not for secret services, they must allow, that his Majesty is now in a situation to make better provision for his royal brothers; that he made no doubt but it was his Majesty's gracious intentions so to do, whenever it should be in his power; and that ministers dare not deprive him of the means, if we inserted the words proposed, as it would point out, that the sense of the House coincided with that of his Majesty and the people of England, namely, the necessity of making some further provision for the royal dukes; that in all countries except this, it appeared that the people, who loved their princes, never suffered them to be distressed, and could much less endure the painful idea of their being forced into banishment from the wretched state of their finances, and suffering in their health from inquietude of mind: that he did not mean to specify any particular sum; that might be left to his Majesty's generosity: but that he was strongly impressed with the insufficiency of the present allowance of 20,000*l.* a year; a sum which in these times he found occasion to spend out of his own estates, without a single article of ostentation or superfluity: how pitiful a sum, therefore, when given for the support of the king's own brothers! That he was well inclined to pay his Majesty's debts, but not the debts of his ministers; that he would willingly contribute his share, when taxed for the purposes of adding to the happiness and real honour of his Majesty: but that it was the article of unaccounted hundreds of thousands in concealed expenditure, that alone kept his sovereign poor, his family shamefully distressed and exposed, and which endangered the constitutional freedom of the subject, by an undue influence over their representatives.

The Amendment was seconded by sir E. Astley: but upon lord North's and the Speaker's representing, that an Amendment moved to a report was unparliamentary, it was agreed to refer the consideration to a future day.

The House then divided on the second Resolution.

Tellers.

Yeas	Lord Lisburne - - - Sir Grey Cooper - - -	231
Noes	Lord John Cavendish - Mr. Fox - - - - -	109

So it was resolved in the affirmative.

Debate in the Lords on the Arrears of the Civil List.] April 16. The order of the day being read, for taking into consideration his Majesty's Message of the 9th instant,

The Earl of *Derby*, after expatiating on the many and singular virtues of his Majesty, his œconomy, frugality, sobriety, wisdom; his love of constitutional liberty, and of his country; his affection for his people; the high obligations they owed to so just, wise, merciful, and magnanimous a prince; stated the grounds of his motion, which, he ventured to predict, would be received with that degree of duty, reverence, gratitude and respect, to which the august personage, who was to be the subject of it, was so eminently entitled. His Majesty was no less conspicuous for his political than his private virtues. He was deserving of every grateful distinction, which his personal situation demanded, and which it was in the power of that

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House to bestow. The subject matter to be taken into consideration, would necessarily come to be considered in two different points of view; namely, the discharge of the present debts, incurred by the excess of expenditure of the Civil List, and the making a suitable provision for the time to come, in order to render such applications as the present, in future totally unnecessary. Whatever objections might be made to the latter, he presumed, there was not a single lord present, whose generous feelings for his sovereign would not point out the necessity of paying the debt already incurred: and make him anxious to free his Majesty from those embarrassments he must suffer, in not having it in his power to pay off the demands of his houshold. He observed, that their lordships could never think of refusing so reasonable a request; they must feel too sensibly, not to perceive the necessity of freeing their sovereign from those embarrassments, though they had proceeded from a proper want of œconomy; much less, when it was known that they were caused merely by all the conveniencies, as well as luxuries of life, being enhanced in their value. He appealed to the candour of the House, and the individual knowledge of their lordships, if the expences of living were not immensely increased, within a very few years; and if their incomes were not proportionably raised, by the increased value of their estates. Shall the sovereign, then, be the only person, within the circuit of this wide extended empire, who shall be doomed to suffer under the inconvenience of such a rise; and yet be confined to a revenue which was deemed only a proper support of the lustre and dignity of the crown half a century ago? He was certain, there was not a noble lord present, who wished or desired any such thing. He said, that rules of œconomy in private life, however plausibly made, were by no means rigidly applicable to the conduct of a prince. He could not, without tarnishing the lustre of his crown, and disgracing the splendour of his situation, descend into an examination of the *minutiæ* of his expences; he could not keep a narrow account of shillings and sixpences; it would be mean and paltry, and much beneath the dignity, and totally foreign to the more important objects which were supposed always to be the proper business of a crowned head, and were known peculiarly to demand and employ the attention of the Sovereign now on the throne. It was a consequence of his elevated situation, to conduct his public and private expences upon a larger and more liberal scale; indeed, custom had in some measure rendered it a duty; consequently their lordships must expect, and the public well knew, that there must be some profusion; it was consequent of his situation, it was unavoidable. He asked, which of their lordships, if they had a son, would wish to limit him to an income short of his necessary expences? When the consequence would be, repeated applications to discharge the deficiencies created by the scantiness of that income, when the very very deficiencies were known to be partly incurred, at least considerably augmented, by the manner of contracting the debt. This his lordship applied equally to both objects; recommending to the consideration of the House, the paying off the debt already incurred, and the augmentation proposed, in order to prevent such applications in future: in both cases, it would be both generous and prudent to act liberally, and would be preventive of all further anxiety to either party. Besides those general grounds, his lordship stated the justice of the application. He observed, that the late King had 800,000*l.* per annum at his accession, now exactly 50 years ago, settled on him; that he had certain duties appropriated to raise that sum, which by that appropriation became his property; that parliament engaged, in case the duties did not produce the 800,000*l.* to make up the deficiency: that the duties were found to be considerably more, but that out of a paternal tenderness to his people, his present Majesty, on his accession, had generously given up those duties to parliament, and relinquished his right to the surplus, for the stated fixed income of 800,000*l.* That by the accounts it appeared, that the duties had produced, on an average of the 16 years of his Majesty's reign, an overplus of 120,000*l.* per annum, which, taken together for 16 years, amounted to nearly 2,300,000*l.* whereas the expenditure within the same period, including the 513,000*l.* granted in 1769, and the sum of 618,000*l.* now desired, amounted but to a little more than 1,100,000*l.* or an excess of about 70,000*l.* and consequently left a profit to the public, of nearly 1,200,000*l.* should the motion he intended to make meet with their lordships' approbation. His lordship then moved, "That an humble Address be presented to his Majesty, to return the thanks of this House, for his

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Majesty's most gracious Message, by which his Majesty has been pleased to inform this House of the exceedings of the expences of his Majesty's houshold and civil government, beyond the revenue settled on his Majesty for defraying the same; and to assure his Majesty, of the grateful sense this House entertains of his Majesty's well-founded reliance on the loyal and affectionate attachment of this House to his Majesty's person and government; and that, fully convinced of the tender and disinterested attachment which his Majesty has shewn through the whole course of his reign, to the care and welfare of his faithful people, this House will most readily concur in enabling his Majesty to discharge the debts which occasion his Majesty's present difficulties, and in making some further provision for the better support of his Majesty's houshold, and the honour and dignity of the crown."

Lord *Onslow* knew his inability to add any strength to the arguments so forcibly urged by the noble mover. There were, however, some circumstances slightly mentioned, or passed over, which he would take leave to remind their lordships of, and which would further evince the propriety of the address. It was evident, if his Majesty had retained his hereditary revenues, he would have no occasion to apply to parliament; on the contrary, he would now be in possession of a considerable surplus. He dwelt on the advanced price both of the luxuries and necessaries of life, and observed, that while the payment of the debt already incurred admitted no argument, making a suitable provision for the numerous royal family now growing up, became equally apparent. His lordship launched into encomiums on the personal and political virtues of the sovereign. His Majesty had, since his accession, been the uniform asserter of the rights of his people and parliament; and that that consideration alone, was sufficient to interest parliament in relieving his Majesty from his present difficulties. Had his Majesty been fond of establishing his own greatness on the ruins of the constitution, he had sufficient temptation held out to him, by the conduct of the Americans, who endeavoured by every means in their power, to detach him from the other two branches of the legislature. What has been his conduct? He has not only rejected those offers, but he has declared his disapprobation of them by the most decisive marks of resentment and contempt. However flattering such offers might appear to an ambitious mind, eager to grasp at arbitrary sway, they failed to make the least impression on a breast full of equity, and those just sentiments of policy, which wisdom, founded in virtue, is always known to inspire. His Majesty has ever shewn a disposition to be more jealous of the rights and privileges of parliament, than of his own; he has proved it in many instances; and I doubt not, but it has made a suitable impression upon your lordships. This is the most valuable obligation a monarch can confer, and deserves every mark of gratitude which we can, consistently with the interest and ability of the nation, pay in return.—His lordship next went into the particular consideration of the latter part of the address, relative to the augmentation. He said, that a similar application was made in 1769, which on the best grounds was agreed to; that on an inspection of the accounts, it then appeared, that the debt was incurred every year, though the greatest exertions had been made, by those who presided over the several branches, to reduce it, so as to keep the expenditure within the grant; but that after sixteen years experience, it was found totally impracticable. If a reform reduced the expences in some instances, they increased in others; so that the total expenditure was pretty nearly equal. It would be urged probably, that it would be proper to discharge the civil list debt, but not to comply with the proposed augmentation. That, he insisted, would be doing things by halves; it would be worse; it would be doing next to nothing; it would put the sovereign and his ministers to the very disagreeable necessity of future applications to parliament; it would be, in short, making a nominal provision for the support of the crown, which experience had shewn to be totally inadequate. To avoid all those inconveniencies, he had no doubt but their lordships would cheerfully agree to the address in all its parts, particularly when they found it to be reasonable. The propriety of the request was supported by experience; it was founded in equity, because it gave nothing more than what his Majesty would have been in possession of, had not he relinquished the civil list duties; finally, it would have the effect of making the sovereign easy in his domestic concerns; and of precluding any pretence for similar applications.

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The Marquis of *Rockingham* opened his speech with expressions of the warmest personal attachment to his sovereign, and the purest zeal and best wishes for the prosperity and dignity of his government, which, in his opinion, he could not more fully manifest, than by pointing out his true interest, and consequently not concurring in the present measure, which, in every point of view he had hitherto contemplated it in, he was most certain, was contrary thereto; it was treachery at once against the King and the people, and a most shameless sacrifice of their respective interests. As he had opposed a measure of a similar nature in 1769, so he should the present, but on much stronger grounds. He never imagined, however, that paying the King's debts in 1769 would have been urged as an argument for paying them in 1777, if he had not this day heard it so much relied upon in debate. The contrary was the fair deduction; if it was wrong to pay them then, it was more so now to repeat it; but though the necessity of paying the King's debts should supersede every collateral consideration, respecting the manner in which they were contracted, still the augmentation expected of the civil list revenue was a matter entirely new. The one became in some measure inevitable, from the rank of the debtor, and the nature of the debt; but why, because a debt was improperly incurred in the first instance, a provision should be made not only for such an improper mode of expenditure in future, by applying a stated income for that purpose, but even granting a sum considerably larger than the excess, was more than he could possibly pretend to account for. In his opinion, the ministers who had fabricated this message, and who had rendered such a measure necessary, instead of being listened to, or gratified, merited the contempt and indignation of that House; and the more so, when the present critical situation of affairs was considered, a situation which they, and they only had been instrumental in causing, or had rather been the authors of. He repeated, that if the effect of the vote moved this day, was meant as a gift, it was a most treacherous one, and a very unsuitable return of gratitude for those very transcendent virtues which he was as willing to confess his sovereign possessed, as those who appeared most zealous in extolling them.

His lordship then proceeded to shew, that the idea of an hereditary revenue was entirely ill-founded; and though it were true, every deduction drawn from it was fallacious. The matter was as follows: the late king, on his accession, had a grant of 800,000*l.* a year; and had certain duties appropriated for the payment of it; and in case the duties fell short, the deficiency was to be made good by parliament; but it was never understood, that parliament was pledged to the crown for more than 800,000*l.* nor that the crown was entitled to the excess of the duties, had any excess arose. The consequence of this agreement proved the real understanding of the parties; for the king was twenty years upon the throne before he made any application to parliament; and when he did come, it was to desire that parliament would perform what they stood engaged for. It was found, that the duties appropriated for the support of the civil list did not amount to 800,000*l.*, the king therefore desired, in 1747, the sum of 450,000*l.* the amount of the deficiency. In the first instance, then, it was plain, that the king only demanded what he had a right to demand; and the other part of the transaction shewed clearly, that the appropriated duties were never looked upon to belong to the crown, during that reign, farther than as they stood engaged for the payment of the 800,000*l.* for by the increase of some of the duties, it being discovered that the whole, including the 450,000*l.* granted in 1747, upon an average, amounted from 1747 to the king's demise, to 808,000*l.* the surplus of 8,000*l.* was retained, and the sum of 115,000*l.* paid over in part of the first aids, in the first year of his present Majesty's reign. He was not an old member, but he recollected very well, and he presumed so did several other noble lords present, that the above was a faithful representation of the fact, as stated by a noble person some years deceased, (the duke of Newcastle) who was immediately concerned in the transaction. The reasoning, therefore, that his Majesty relinquished any thing to which he had a right, or that the revenues appropriated to the payment of the civil list were hereditary, was equally ill-founded and absurd. His Majesty gave or lost nothing by taking a specific sum; he could, in justice, desire no more nor less: the only difference it made, was merely a matter of convenience. He was paid in specie, without discount, risk, trouble, or loss; whereas the payment of some of the duties was held back for six,

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seven, or eight years. Hence his lordship drew this fair deduction; that the pretended claim set up by the King's ministers had no foundation whatever in truth. If, then, they had no right to come to parliament on this ground, he trusted he should prove that they had as little on any others; the very papers on their lordships' table would bear sufficient testimony to this assertion. By them it appeared, that the several branches of the royal family, for the first eight years, cost the crown about 235,000*l.* more than they had the eight last years of the late king; consequently, that administration came with a tolerable good countenance to parliament in 1769, as far as that sum could be supposed to operate; but the eight last years of the present reign the other branches of the royal family had cost the crown a few thousand pounds less; and that taking the whole of the late reign, it appeared that the royal family had cost the crown, striking an annual average, upwards of 130,000*l.*, whereas the average cost of the last eight years, under the same head of expenditure, was little more than 100,000*l.* per annum. Discovering this very important fact, it led him to endeavour to find out whence the deficiency arose. In the cofferer's account, in 1769, it appeared that the money issued through that channel for the last eight years of the late reign, and the first eight years of the present, were nearly equal; but by the account now on the table, that head was monstrously increased, indeed, no less than 60,000*l.* it being at the former period about 72,000*l.* a year, whereas now it is swelled to 136,000*l.* Under the head of pensions, again, it was raised from 78,000*l.* to 84,000*l.*, which was an increase of 6,000*l.*, though it was known that pensions were daily granting, and had been granted, on the Irish establishment, and the 4½ per cent. duties. The head of presents had been considerably increased; and so had that of annuities, board of works, and ambassadors. He supposed, before the House rose, that some explanations would be given to satisfy their lordships of the propriety of the increase of those several heads of expenditure, because it was by their means, almost solely, that the present debt was incurred; for upon adding them together, he found that they amounted in the course of the last eight years to 591,000*l.* a sum little short of that now demanded; and were every year in a progressive state of increase. He was certain, that a reduction below what they stood in former reigns, instead of augmentation, of some of them, might be made; and if some part of the expence incurred under the head of the cofferer's account should appear necessary, there was a considerable part of the same account, and all the other heads of expenditure, as well as the head of secret service, that would be found an ample balance to such a supposed necessary increase. For these reasons, he should be against the Address, because the debt was wantonly or corruptly incurred, and the augmentation unnecessary and ill-timed, when the nation was in a state of increasing ruin; when the stern voice of prerogative was heard no more; but when that unbounded influence, a much more dangerous enemy to the liberties of this country, was daily extending itself, threatening at once the destruction of the constitution, and every benefit formerly derived from a limited government; when this baneful unconstitutional influence, as asserted by its very friends, was sufficient to call any man, or set of men, to the administration of public affairs whom the crown pleased, and support them in that situation, without any regard, or rather totally independent of, and contrary to, the opinion or approbation of the people. The present requisition would have the certain effect of increasing that influence, already become too dangerously powerful; for which reason he should give it a negative, by moving an Amendment, expressive of his sentiments, and to which he referred their lordships more particularly for the true grounds of his motives. His lordship delivered the Amendment in at the table, which was read. It was afterwards entered on the Journals by way of protest, and will be found at the end of the debate.

Lord *Cardiff* protested, that if he imagined the insinuations thrown out by the noble lord who spoke last were well founded, or that there were any just grounds for the direct charge contained in the amendment, he would be one of the first to support the amendment, and give his vote for putting a negative on the Address; but he was too well satisfied of the integrity of his Majesty's servants, to suppose that they would employ the public revenues of the kingdom in corrupting either Houses of Parliament; much less that parliament, though ministers were willing, would basely stoop to be corrupted with the spoils extracted from the labour

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and industry of their fellow-subjects. The Amendment stated, that the demand now made, came unaccompanied with such papers as were necessary for the satisfaction of the House. Though he spoke with great deference to those who had an opportunity of being better informed, yet he could easily conceive that there must be some items under the several heads of expenditure referred to, which it would be highly improper to lay naked before the House, and which, if minutely examined, might be found to have been extremely necessary. Among others, he begged leave to point out that of secret service, and the money given to embassadors, to reimburse them for important information procured at the several courts where they reside. There might, too, be several others which he was unacquainted with, that were equally obvious. He would not directly contradict the noble lord, not being at that time in parliament, relative to an agreement made with his Majesty at the commencement of his reign; but he always understood that it was an act of generosity and parental tenderness towards his subjects which induced his Majesty to relinquish his claim to the whole of the appropriated duties, in lieu of 800,000*l.* a year; and he never heard it represented in any other light, either then or since, till this day. His lordship drew a comparison of his Majesty's situation with that of private gentlemen, whose property was known to increase in proportion to the comparative dearness of the necessaries of life. It was a matter within the knowledge of every noble lord, that the rents of their lands bore the proportion alluded to; and it would be a peculiar hardship that his Majesty should be doomed to suffer under an inconvenience which no other person in his dominions felt. His Majesty had no resource but to his parliament; the great hereditary revenues of the crown had long since been alienated, or rendered of very little value; and if the allowance granted by parliament was found, after so long experience, to be totally inadequate, it was incumbent on their lordships to grant their sovereign such a revenue as might be the means of rendering him personally easy, and support with suitable lustre the honour and dignity of the crown. For these reasons he was against the Amendment, and for the Address moved by the noble earl.

The Earl of *Effingham* confessed his ignorance of the true grounds of the question, so far as it depended on the accounts now on their lordships' table; but as he presumed, from what had fallen from the noble marquis, and which as yet had remained uncontradicted, that ministers would accompany their demand with the necessary explanations, he should for the present content himself with a few short observations. As the best means, however, of drawing forth those explanations, he would second the Amendment, because, if they were not satisfactory, the House could not hesitate in giving the Address a direct negative. The noble lord who spoke last had dwelt on the article of secret service, and the allowance made to ambassadors on that account. If the Address could not be supported on better ground, he was pretty certain it must fall; for, from any thing he could learn, the money expended in that service was just so much money thrown away; for we had, it was well known, neither the most important nor early intelligence. It was evident, that the lustre and dignity of the crown, or the personal ease and happiness of the sovereign, were not the true objects of the present requisition, for at no time had either been more grossly sacrificed. If the sum were really inadequate, why not apply earlier? Why defer it to so unseasonable a period? Uninformed as he was, he did not know, nor understand, what was meant by the article of presents; but if it was a customary head of expenditure, he was content, so that the account of presents received, as well as given away, was fairly stated, and in consequence of such a state the balance fairly struck. He had heard a great deal without doors, of a prevailing report of presents lately received, particularly one from the nabob of Arcot, to a considerable amount. He did not venture to vouch for the authenticity of such a report, but if there was any truth in it, or if presents have been received from any other quarter, within the period to which the present accounts allude, it would be only acting candidly to have them revealed, and a credit taken for them accordingly. He trusted that his Majesty's servants, before they passed a vote on the subject, would clear up what appeared to him very extraordinary indeed; which was, that the deficiency stated, and the whole of his Majesty's expenditure, including the 800,000*l.* a year, exactly tallied. He should be obliged to some noble lord in office, to rise and explain this paradox. If the account was to be depended on, his Majesty did not spend

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a single shilling but the specific sums stated in the paper. What, then, was become of his Majesty's extra revenues? Of the revenue drawn from Wales, Cornwall, Lancaster, Ireland, and the Leeward Islands? Was that likewise appropriated to secret service? or was it lying in his Majesty's coffers? The latter he could hardly believe; and in what manner the affair really stood, was, in his opinion, very proper to be cleared up, and called for a particular explanation. Until he heard something to induce him to change his opinion, he should be for the Amendment, and for giving a flat negative to the Address.

The Earl of *Suffolk* rose, and launched forth into the highest encomiums on the transcendant virtues of the sovereign; and what a peculiar felicity his subjects enjoyed under so wise, mild, and equitable a government. It was somewhat unusual, at least when it came from the person himself, to hear a total ignorance of the grounds of a motion publicly avowed, and still more extraordinary to have that followed by a strong opposition to its contents. This was the case of the noble lord who spoke last; and who accompanied this declaration with insinuations, as if administration were accountable or blameable for his inattention and neglect; though it was evident that his lordship might have had the most ample and satisfactory information, if he perused the papers now lying on their lordships' table. As to the comparative expenditure of the two periods of eight years of the late and present reign, so warmly urged by the noble marquis who moved the amendment, they were not, he insisted, put in a fair point of view, nor were any deductions drawn from premises, erroneous in themselves, to be depended upon. His lordship denied that the duties appropriated during the late reign were held in trust for parliament, after deducting the 800,000*l.* a year out of them when they amounted to so much. On the contrary, it was a fact notoriously known, that whenever parliament broke into those duties, in order to regulate, or change them for others, they always applied to the crown for its approbation, which could not be the case, if the crown held those duties in trust for the public; because, in that event, all parliament would have to do, would be to make good the deficiency out of the first aids; and he was pretty certain, that the 450,000*l.* granted to his late majesty in 1747, was not to make goood the deficiency of the appropriated duties, but was clearly over and above the 800,000*l.* a year granted to him on his accession. His lordship then turned his attention to the amendment, and observed upon several passages of it with great asperity. He said, they were unsupported by truth. The charge of undue influence was false and ill-founded; of which a stronger proof need not be adduced, than the uniform support which was given to his Majesty's measures by the great body of land-owners of this kingdom, who loaded their possessions with heavy burdens, and who, from their situation, were well known to be totally out of the way of being operated upon by the influence of the crown. This support originated as much in the propriety of the measures supported, as in the unpopularity caused by the detestable, dangerous, and unconstitutional conduct of the opposition. His lordship endeavoured to shew, that several of the arguments made use of by the noble marquis, respecting the outgoings of the present reign, were erroneous; and contended, that at no time had economy been more constantly and successfully practised in the disposition of the royal revenue. He said, that an increase of the expenditure, under the head of the cofferer's account, was obvious, from an increasing and numerous royal family; that secret service money was a service, that on particular occasions could not be stinted without risk; and that the pension list was increased not wantonly, or with a lavish hand, but on good grounds, to persons who had rendered eminent services to their country. It was urged, he observed, that reforms ought to have been made, in order to confine the expenditure within the royal income, and not to contract debts, and thereby virtually pledge parliament for their payment; but this was mere matter of argument; for the debt was regularly contracted every year, both previous and since 1769, in every administration, settled or unsettled; as well in that of the noble marquis, who now so highly condemned it, as in every other that preceded or followed it. On the whole, therefore, he trusted their lordships would cheerfully concur in both parts of the requisition, as being equally necessary, reasonable, and just.

The Duke of *Grafton*, after testifying his high respect for the personal virtues of his Majesty, and how cheerfully he was inclined to acquiesce in every measure

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which might promise to promote his happiness, and support the dignity and lustre of the crown, declared, he could by no means, consistent with the duty he owed to his sovereign and his country, agree with the Address now moved; he would much rather, if it were agreeable to parliamentary order, put the previous question both on the Address and Amendment: he doubted, it was not; and when he had enquired into the matter, from those who were better acquainted with the established forms of the House, he would again rise and move it, in whatever manner the usages of parliament permitted him. The noble earl who spoke last, had made use of a very emphatical expression, "every administration settled or unsettled." That very influence of the crown, which could settle and unsettle administrations at pleasure, was, he solemnly protested, the great cause of the deficiency now so justly complained of. It was that fluctuating state of politics, and change of men, that till very lately rendered even every thought of reformation totally impracticable; for he was thoroughly convinced, that 800,000*l.* a year, was a most ample revenue, and fully sufficient to answer every expence of the civil government, ordinary and extraordinary. He was ready to pledge himself to that House, that he would prove most clearly, upon incontrovertible facts, that that sum would support the crown with a dignity and lustre it had not experienced for many years. He expected to hear it urged in reply, "Why, when you were minister, did not you set this reform on foot? You came to parliament on a similar errand, while you presided at the head of the national finances; and how could you make such an application, when you were satisfied that the royal revenue was an ample one?" He said, he put the question, on purpose to answer it. It was the unsettled, slippery situation he stood in; it was the improbability of succeeding in it, and the dictates of common prudence not to encounter the odium such a measure would be productive of, which shewed him the folly of obstinately persisting in a fruitless attempt. He was well aware, what an invidious task it would be; how many persons it would offend; how many it would irritate, who had both the power to obstruct the measure, and the means, too, of avenging themselves on its author. He had a noble lord in his eye, (lord Talbot) who once thought that such a scheme was practicable, and who had incurred a considerable deal of odium on that account, and, as it turned out, to very little purpose; for by some of the observations which fell from the noble marquis, it appeared, that that part of the establishment with which the noble lord was connected, was rapidly on the increase, instead of being diminished. Out of regard to the noble marquis, he would not move the previous question on his amendment; but he conjured their lordships, as the best proof of their loyalty and affection for his Majesty, that they would consent to have the original motion postponed, and agree to appoint a committee to enquire into the expenditure; what parts would best admit of a reduction; and when that was finally settled, then proceed to a vote of concurrence, for whatever this reduced estimate might amount to; that, he offered to prove, would not exceed his Majesty's present revenue, and would not bear upon a single article which was thought by his warmest friends to administer to his ease and personal satisfaction; or was necessary to sustain, with splendour and dignity, his elevated rank and situation; on the contrary, he was convinced the retrenchments he had in contemplation would every one of them tend to promote a rational, liberal œconomy, and good government. As to the matter which had been so strongly contested, relative to the disposition of the excess of the appropriated duties during the late reign, it was a point which had long since given birth to contrary opinions; and the manner that affair stood in the Civil List Act, passed at the commencement of that reign, was urged against sir Robert Walpole, as one of the most objectionable parts of his political conduct. Be that as it may, the point was in some degree decided, by the withholding the small overplus revenue, and augmenting the Civil List fund with it, early in the present reign.—His grace lamented very pathetically, the universal moral and political depravity of the age, which he attributed in a great degree to the operative powers of the influence of the crown, on all ranks, from the highest to the lowest; and predicted, that it would continue to extend in proportion as that influence was strengthened and increased. He observed, that the consequences of the Address promised to be truly alarming, if in no other light, but the irresistible power it threw into the hands of ministers, who were generally good and virtuous, in proportion to the number of temptations, and

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the means they had of rendering themselves corrupt, despotic, and oppressive. His grace again pledged himself, that he would prove from documents, the most clear, authentic, and incontestible, if they should consent to go into a committee on the subject, that 800,000*l.* per annum would answer every end of private ease, personal dignity, and royal splendour; in short, every appendage to royalty, but what his Majesty's ministers mistakenly thought a necessary one, that of giving them, through the means of corrupt influence, an unbounded controul over the will and resolutions of parliament.

Earl *Talbot* looking upon himself as called upon by the noble marquis, but more particularly by the noble duke who spoke last, rose and spoke for some time. In reply to the noble marquis, relative to the equitable pretensions the crown had to come to parliament, because his present Majesty had relinquished the appropriated duties, and had taken a net 800,000*l.* a year in lieu thereof, he believed that was not perfectly explained by his lordship. He had himself conversed with the late Mr. Pelham, when minister, on the subject. Mr. Pelham was an honest, able man, though not so great a minister as sir R. Walpole. He seldom conversed with ministers, before his acceptance of the post he now occupies in his Majesty's houshold; he always opposed their measures: since he has voted with administration, he conversed as little with them. Sir R. Walpole was an able minister; he saw the necessity of rendering the crown independent; and he believed that there were many parts of sir Robert's conduct much more objectionable, than his securing for the crown the 800,000*l.* independent of parliament, and the surplus of the appropriated duties, if any surplus should arise. To return: he remembered very well his speaking to Mr. Pelham on the subject; but yet he never understood, whatever doubts that gentleman might have entertained, as to the appropriation of the surplus, if any surplus should arise, that the 450,000*l.* granted in 1747, was not over and above the 800,000*l.* consequently, he was pretty certain, that the noble marquis was at least mistaken in that part of his argument, when he said that sum was included and granted to make up the deficiency. His lordship further remembered, that one of the duties appropriated arose from an excise, which was deemed extremely hurtful and pernicious to both the health and morals of the people; and when the legislature thought fit to lay an additional duty to what was then imagined to be pretty nearly equal to a prohibition, and when this high duty was found to raise the fund instead of prohibiting the sale of the commodity, which was the intention of the legislature, the excess arising therefrom was looked upon as an augmentation, and not by any means, as asserted by the noble marquis, to be held in trust for the public. As to the great increase of expenditure, stated to have arisen in the cofferer's office, in which the expences arising in his department were included, most certainly his own part of the disbursements had increased within the last eight years 26,000*l.* There were a variety of concurrent circumstances which caused this increase; not any one of them, he would assert, could fairly be imputed to neglect of duty. He appealed to their lordships' recollection if, when he first entered on his office, he did not exert himself as much as possible to contract within reasonable bounds the expences of that part of the houshold, as well as retrench and strike off what appeared to him totally unnecessary. His plan would have succeeded, at least in part, but for the reasons he should mention before he sat down. The first step he took, was to put several of the houshold upon board-wages, where there were tables kept, and strike off the tables where there was no actual attendance. This, for a while, gave content to several; indeed, they petitioned for such a regulation; but, on the other hand, it became a source of endless clamour with others; and it was well observed by the noble duke in the blue ribbon, that the task of reformation is a very invidious task, when undertaken by an individual: indeed, I have often known it to miscarry when seemingly countenanced by parliament. These regulations were found to press upon some persons whose voices were loud enough to make themselves heard; it was a popular topic, and many who were totally ignorant of the true cause, joined in the clamour. I can better explain my meaning by adverting to a single circumstance, which will shew how difficult it is to reform the menial servants of his Majesty's houshold, when the profits are enjoyed by persons of a certain rank, and services performed by another. The fact I allude to, is, that one of the turnspits in his Majesty's kitchen was, and I believe still is, a member of the other House. The poor man who per-

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formed the duty had 5*l.* a year for his trouble. Many similar instances might be mentioned. I have selected this one. But to return to the more immediate object, the increase of expenditure in my office. This has arisen from a variety of circumstances, such as the prodigious advance on all the necessaries and luxuries of life, the increase of the royal family, of attendants, nurses, tables, &c. Even the very reform I made in the early part of his Majesty's reign, has added, instead of diminishing the expence. By that establishment, several persons who had board wages allowed them, but who gave little or no personal attendance, are now obliged to perform their duty. They claim the benefit of the establishment then made, and are obliged at the same time to have tables allowed them, because it is indispensably necessary that they should always be ready to attend. There are now no less than 23 tables kept, 11 of which are for the nurses, there being so many of that description. It is necessary that each should have a separate table, for who would trust two women at the same table, and expect they would long agree?

He recollected a circumstance, which would, he believed, fully establish the idea urged by the noble mover of the Address, and the other noble lords who spoke in support of it; which was, the offer made by the late sir John Barnard of farming the duties appropriated for the payment of the Civil List, at 900,000*l.* per annum. It was never imagined that the public, had the offer been accepted of, were to reap the benefit of the 100,000*l.* surplus; on the contrary, it was then urged as an argument, that the crown had a revenue fully sufficient to maintain its lustre and dignity, if it had been properly managed.

His lordship then drew a most melancholy picture of the domestic situation of the sovereign, and how far his feelings, as a man and a master, were daily wounded; nay, he asserted, that they had totally broke his peace of mind, and pursued him to his most secret retirements. He appealed to their lordships, if there was one of them could rest quietly on his pillow, while he was conscious at the instant that his servants and tradesmen were rendered miserable on his account; threatened perhaps, with the want of the necessaries of life, or with bankruptcy and ruin. The very coal-merchant who served the household, had, he said, 6,000*l.* due to him; so it was in proportion with all the other tradesmen. Again, the poor menial servants, who had no other means whatever of support, and who had six quarters wages due to them, how pitiable and distressing must their situation be! Their complaints were sufficient to penetrate a heart the most obdurate; and he solemnly protested, that his own situation was nearly as much to be pitied, being necessarily obliged to hear those stories of distress and wretchedness, without having it in his power to alleviate or remove them. He even sacrificed the privileges of his place; those vacancies which he had a right to dispose of, he bestowed upon several of them, in order to soften and blunt their miseries. He did not claim this privilege of appointing as a right inherent in his office, but a permission his royal master indulged him with, in common with his predecessors who had occupied the same high post. And to add to the situation of the crown creditors, the dread of a demise suspended over their heads was enough to bring them to the very brink of despair. Great stress had been laid on the 100,000*l.* augmentation, as if that sum was to be drawn out of the pockets of the people, already too heavily burthened with taxes. This was a fallacious method of stating that matter; for he appealed to their lordships, if it was not a received opinion, that every estate in this country is taxed at the rate of 10*s.* in the pound. The Civil List is known to be subject to the heaviest taxes that are laid, and is equally burthened with the land. If, therefore, one half returns in taxes, the proposed increase would not be actually more than 50,000*l.* out of the public purse, instead of 100,000*l.* which it was represented to be.

His lordship concluded with debating the point of influence, so pointedly stated in the amendment; on the contrary, he thought that whatever tended to make the sovereign easy in his domestic situation, and independent of the minister, served as so much power to be used for the benefit of the people, not against them. The situation of his Majesty, said his lordship, was much to be lamented a few days since. It was such as I have described it. Suppose a minister a fortnight ago should tell his Majesty that he could not come to parliament; suppose he should threaten, or had threatened to resign, what could his Majesty do? What would not he promise or grant a minister, circumstanced as he must have been? It is true, we may suppose, that though the minister had resigned,

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your lordships, when you received the message, would have complied; but give me leave to tell you, my lords, it would have raised and increased difficulties: it might not defeat the measure; it would nevertheless create divisions here; it would tend to divide ministers more than they are already, and God knows they are divided enough! On the whole, I would never have the King dependent on his ministers, which, while his affairs are distressed, must always be the case. He is not his own master. The ministers have it in their power to dictate their own terms. He must grant whatever favours they chuse to ask; he is left no will of his own: they tell him they will resign, and abandon the very measures, perhaps, they have been the contrivers of, while the King labours under difficulties such as the present.

The Marquis of *Rockingham* animadverted upon some violent expressions which had fallen from a noble lord high in office (lord Suffolk). The words, he said, were, "That the conduct of what was called in this country opposition, was detestable, dangerous, and unconstitutional." This was a heavy charge for no other crime than barely differing from the noble lord and his colleagues in office. But he presumed, that the charge was founded on the important discoveries of Mr. Brown Dignam, and those made concerning Mr. Sayre, the banker. It was, indeed, a sure means of rendering any man, or set of men, detestable, when spies and informers were employed and paid to forge plots and conspiracies against the state. Mr. Sayre was to have possessed himself of the Tower, and the person of the King, if Mr. Richardson were to be believed; and several of the most respectable characters in both Houses, if Mr. Brown Dignam was to be credited, were concerned in a conspiracy against the life of his Majesty. This kind of policy seemed at first sight somewhat extraordinary, but it nevertheless answered certain purposes, upon a narrower inspection. It served to account, in part, for the disposition of the secret-service money, and at the same time to substantiate the charge, that the conduct of what was called opposition, was detestable. To be sure, the money laid out in this manner was well spent, and the authority on which the charge was founded truly respectable! He supposed the noble lord would explain what he meant; because, however authentic the information might have been, on which his charge was supported, it was confined to a few, and could not be supposed to reach the conduct of all those who were called opposition in this country.

The Earl of *Suffolk* denied that he made use of the word 'detestable,' and did not think it fair nor parliamentary to have expressions imputed to him which he never used; [Here their lordships looked at each other with astonishment,] but even if he had, he thought himself fully justified in making use of it: for he was sincerely of opinion, that the conduct of opposition merited both the contempt and detestation of every man who wished well to his country. I do in my conscience and soul believe, that the detestable conduct of those called opposition in this country, has been as instrumental in rendering the present administration popular, as the wisdom and rectitude of their measures. I do in my conscience and soul believe, that their detestable conduct has increased the majority in both Houses; and I am in my very soul and heart convinced, that they have rendered themselves so universally detestable, by the mode and complexion of their opposition, that many members who were doubtful as to the justice and expediency of the measures pursuing by the King's servants, have attached themselves to administration, and voted with them, solely on that account. His lordship denied, without reserve, that Dignam had given any information against the noble and honourable persons alluded to by the noble marquis. He was ashamed to hear Dignam's name mentioned in such a respectable assembly; but since it was, he could affirm, that the manner it was represented was ill-founded. He was neither encouraged to tell lies nor truth; nor was he paid for what he did tell. His story was worthy of attention: it was plausible, and full of every appearance of truth. It would have been extremely improper to refuse to listen to it; and administration, he affirmed, conducted themselves with the utmost propriety. They listened, but did not believe; and took the necessary, the most efficacious means to discover the truth; and when they found him to be an impostor, they abandoned him to the laws. And he begged leave to repeat once more, before he sat down, that the conduct of those called the opposition, was detestable; and though Dignam was an impostor, he had other proofs, and those of such a nature, as not to admit of a doubt, that

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opposition deserved that public detestation which they were notoriously known to be held in.

The Earl of *Shelburne* said he should abstain, out of respect to his sovereign, and their lordships, from animadverting on the indecent charges, and the coarseness of expression that accompanied them, which fell from the noble lord who spoke last. They would have been unworthy of notice at any time; the present, for the reason before assigned, would be particularly unseasonable. He professed his astonishment at the language held by the friends of the Address. The Civil List revenues were described as so much hereditary property; they were represented as an entailed estate, and deductions drawn from that supposition, shewing, that the crown had an absolute, distinct property in the duties appropriated for the maintenance of the civil government, independent of parliament, than which nothing can be farther from the true state of that matter. The duties alluded to at no time belonged to the crown, they were at the disposition of parliament; king William had 4,000*l.* per week taken from him, though the nation were under such singular obligations to him. The grants of the forfeited estates, which formed part of them, were resumed in the next reign, and applied to the exigencies of the state. In the reign of queen Anne, 700*l.* per week was charged on the Post-office, which was part of the Civil List revenue; and several other parts of it were applied to particular uses, and to the exigencies of the war. It was, therefore, to the last degree preposterous, and fallacious, to suppose the agreement made by his present Majesty was any act of concession in him. He relinquished nothing; he gained nothing. He accepted the bounty of parliament. The offer came from himself; and it may be presumed, that the noble lord who then enjoyed his confidence, advised him to demand such an income as would be adequate to the maintenance of the crown with dignity and splendor. But even if his Majesty had the option we hear this day so loudly contended for, the agreement was solemn and specific, and ought not to be receded from. It must have been in his Majesty's contemplation at that time to marry. He must have provided accordingly for the necessary expences attending such a state, and the probability of having a numerous issue, which the event has since proved, and whom God long preserve. It is therefore, taking the matter in either light, an idle and ill-founded argument. If he had no specific or rightful claim on the appropriated duties, he of course lost nothing; if he had, and made a fair, equitable agreement, he is manifestly bound by it. As to the accounts; they were fallacious and defective. They were defective, because they came unaccompanied by a single voucher: accounts unvouched, were in fact no accounts. Those lying on the table stated such and such sums, issued under the heads therein enumerated, but make no mention to whom, or on what account. The only fact that can be gathered from them, is, that certain sums were paid, but on what account the House is not informed, no more than if no such transaction had ever happened. But if the accounts were defective, there was an article stated in the produce of the Civil List revenues, which contained the grossest imposition on the very face of it. If one false article in any account could be proved, and it was manifest that the imposition got into it by design, it was a fair deduction to say, that the whole account was false. From the manifest defectiveness of the accounts, for want of vouchers and specification, and the gross imposition of this one article he was about to mention, he was fairly justified in saying, that the whole was one scene of delusion. The point was this, the increase on the hereditary revenue was stated in the account to amount to upwards of 30,000*l.* a year, which, by the bye, was the greatest part of the excess of the appropriated duties, which, in the whole, according to the mutilated accounts on the table, amounted to no more than 70,000*l.* per annum. Now, upon inspection, it came out, that this increase was not on what was improperly called the appropriated duties, according even to the language of administration, but upon the parliamentary duties. This excess, or surplus of 30,000*l.* arose from the increase of the Post-office fund, which was created by the Post-office Act of the 5th of his present Majesty, to which the crown had not the most distant pretence. From this incontrovertible fact, he drew this conclusion, that the accounts were no less defective and informal, than they were fallacious and impositious.

The noble lord (Talbot) had referred to a fact, which, if taken in his lordship's own way, proved nothing; and proved at the same time, that it was mere argument, and

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that nothing serious was intended when the offer was made. The noble lord asserted, that sir John Barnard offered to farm the Civil List revenue at 900,000*l.* per annum. What would that prove, supposing he had offered double that sum? But, says the noble lord, it was used in argument to shew the Civil List revenue was improperly managed. Be it so; it was a good argument to shew, that parliament had no right to make good the deficiencies when the duties, instead of falling short of the 800,000*l.* would have produced another hundred; but it was impossible sir John Barnard, or the parliament, could have meant, that if the duties had produced the 900,000*l.* the crown would have been entitled to the surplus; because the very demand then made implied a right to a specific sum, and not to the duties. If the duties belonged exclusively to the crown, the crown must have been satisfied with the produce; if they did not, but were pledged to it for a specific sum, the crown had a right to apply to parliament to make good that sum. Finally, taking the offer as a matter of mere argument, it was plain that sir John was out in his computation, for the whole of the duties have hitherto amounted to no more than 870,000*l.* per annum.

His lordship concluded with a general account of the degeneracy of the people at large, the pernicious consequences of faction, of patronage, of borough hunting, of contractors and their contracts, of peculations and corruption at home, of the increased influence of the crown, and a variety of other circumstances of singular importance. He observed, that the influence of the crown was not the only influence which tended to bring this nation to slavery, destruction, and ruin; nor was the all-powerful effects of corruption confined to parliament; the whole mass of the people were corrupted, or corruptible. No man scarcely possessed a political right in the state, who did not wish to part with, or sell it for as much money as it would bring at market. The nation was composed of buyers and sellers. Every man wished to purchase, or dispose; and when he purchased, it was always with an intention to dispose. Which of their lordships who lived in the neighbourhood of a borough, did not wish to bring that borough over to be at his own disposal; and which of them was it, that having it in his possession, did not wish to derive advantages suited to its value, or the peculiar temper and disposition of the possessor? Where was the borough that was not to be bought, or influenced? Or, if such a phœnix could be found, where was the borough or city that could long withstand the temptations or arts employed to rob it of its integrity or influence, or mislead its judgment? What cannot be effected by fraud, corruption, or force, is brought about by various other methods. Contracts and contractors, and the inexhaustible source of influence derived through these fruitful channels, have done wonders; and have succeeded in cases, where bribes, places, and pensions, from insuperable impediments, must have for ever failed. Contracts not only answer purposes in parliament, but from their fertile and happy nature, flow through twice ten thousand channels. The great contractors have their different contracts; those again are divided and subdivided almost *ad infinitum*; so that scarcely a man, who possesses any property throughout the kingdom, but finds it his interest to prolong a war, by which, though the public may be ruined, he is sure to be rendered opulent. This influence, growing from contracts, has risen to a pitch hitherto unparalleled. It has got among the directors of great companies, and extended itself among their creatures and dependants. While government serves them as chosen friends, it enables them to be the chosen friends of government. To answer the purposes of patronage, it has been extended to some of the nabobs of Leadenhall-street, who not content in the pillage of the East, and of plunging us into a war to enable them to pillage the West, have now contracts heaped upon them, lest they should be tempted to pay any attention to the interests of the Company, contrary to the opinion of the noble lord who has employed the power, riches, and patronage of the Company, in supporting his favourite measures on the opposite side of the globe. Indeed, the present minister had surpassed all his predecessors, in drawing advantages from having it in his power to oblige his friends with contracts; for his predecessors usually waited till applications were made, but his lordship had improved upon this general rule of disposing of them: he was too mindful of his friends to neglect them when so fortunate an opportunity offered to oblige them. He accordingly saves them the trouble of asking; loth to offend their delicacy, he meets them more than half-way. The

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power of influence, though general, is not, however, universal. There are some who have the virtue, perhaps, to withstand it; and even in the mercantile world there are many who plainly perceive its tendency, and dread its evil effects. He was lately in conversation with one of the latter description, on the subject of the place of chamberlain, who told him, that the profits of that officer's place was mostly drawn from the interest accruing on the money, the property of the corporation, lying in his hands. Why is not the money put into the Bank? Such is the credit of the Bank at present, replied the gentleman, that I firmly believe, if such a proposition were made to the city of London, they would not accede to it. His lordship then repeated several instances of the shameful peculation of the public money in almost every department of the state; and particularly one which lately happened respecting the extra revenue, which, with every other of the kind, substantially helped to create the very debt now desired to be paid off; that was the secretary to a commission, which was to hold out nothing but death or slavery to America; yet that very secretary had lately a pension granted on duties raised on part of that country, on the 4½ per cent. duties, unjustly raised on some of the sugar islands; a tax merely laid on by virtue of prerogative; a tax which would be hardly defended by a majority of that House who had so often declared, that the British parliament alone had a right to levy duties on the subjects of the British empire, and not the King by his bare proclamation; and a tax, he trusted, for the honour of the legislature, and the preservation of the rights of the people, he should one day see reprobated as utterly illegal and unconstitutional.

His lordship concluded by making some strictures on what fell from the noble lord who seconded the motion, relative to the average difference of the last 16 years expenditure, and the Civil List revenue when augmented to the sum proposed, which difference was represented as a trifle, though according to the noble lord's own confession, it amounted to 30,000*l.* per annum. This, his lordship said, was very strange language indeed; and that too from a noble lord who was entrusted, with others, with the care of the national finances. He supposed the noble lord looked upon the whole 100,000*l.* but as a trifle; yet he begged leave to assure his lordship, that 100,000*l.* when properly considered, was a very great sum; it would pay the interest of this year's loan; it would prevent the people, already most cruelly over-burdened with taxes, from being heavier loaded; it would, if appropriated to the purpose of supplying other taxes, under which the poor were suffering, occasion joy and gladness to millions of miserable, though industrious poor; it would answer for the duties now raised on leather, soap, candles, and salt; it would let in the light by day, and be the cause of cheering the lonely, miserable, dusky mansions of the poor labouring part of the community by night; in fine, instead of corrupting the morals of all ranks, of influencing parliament, and of furnishing means to the idle, extravagant, and profligate, of wallowing in vice, riot, luxury, and dissipation, it might be happily employed in rendering the poor, oppressed and industrious part of the community more easy and comfortable in their destined situations, and be the means of relieving them from those intolerable burthens, which no people under heaven but themselves this moment endure.

The question being put on the Amendment, the contents were 20, non-contents 96.

The Duke of *Grafton* repeated his former proposition, that he would, if a committee were appointed, prove to the satisfaction of the House, that 800,000*l.* would be an ample revenue to support, not only the honour and dignity, but the lustre and splendour of the crown. He intreated administration to consent to the proposition, as the only means of preventing the further increase of that influence, which threatened to overwhelm this once glorious empire in inevitable destruction. He then moved the previous question.

The Earl of *Suffolk* opposed the intended effect of the motion. He said, sixteen years experience had afforded the fullest proof that 800,000*l.* was not adequate to the support of his Majesty's houshold, and the expences of his civil government; that the minister who was at the head of the finances, was known to be equally able and frugal, and no less honest than either; and that under so good a prince, assisted by such a minister, parliament had every right to be persuaded that the public money was wisely laid out, and faithfully applied.

The question being put on the duke of Grafton's question, the contents were 98, non-contents 28. The main question on

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the Address was then put, and agreed to by a majority of 90 to 20.

Protest against rejecting an Amendment to the Address on the Arrears of the Civil List.] The following Protest was entered:

"Dissentient'

"For the reasons contained in the Amendment proposed and rejected, viz. in lieu of the above Address, to substitute the following:

"To assure his Majesty of the inviolable affection and loyalty of this House, and that it is with the sincerest affliction we find our duty to his Majesty, and to our country, entirely incompatible with our compliance with the request made to us in his Majesty's name.

"That at a time when the increase of public debt, attended with a decrease of the British empire, manifestly required the utmost economy in the management of the revenues of the crown, we cannot behold, without astonishment and indignation, a profusion in your Majesty's ministers, which the greatest prosperity of our affairs could scarcely excuse.

"That this House, with the most zealous devotion to your Majesty's true interests, begs leave to represent to your Majesty, that we humbly apprehend the clear revenue of 800,000*l.* a year, which supported the government and court of your Majesty's grandfather, of happy memory, in great authority and magnificence, is fully sufficient, (if managed by your Majesty's servants with the same integrity and economy), to maintain also the honour and dignity of your Majesty's crown, in that reverence, in which we wish, as much at least as those who have squandered away your revenues, to see it always supported. Parliament has already, in consideration (we suppose) of some expences at the beginning of your Majesty's reign, discharged the debts and incumbrances on the Civil List, to a very great amount. Again to exceed the revenue granted by parliament, without its authority, and to abuse its indulgence in paying one debt, by contracting, in so short a time, another and a greater, is, on the first view, a criminal act. Your Majesty's ministers ought to have laid some matter before this House, tending to shew that your Majesty's government could not be reputably supported on the provision made by parliament; whereas they have only laid before us the heads on which they have exceeded, without any thing which can tend either to justify or excuse the excess; and the only reason given to us for paying that debt is, to be applied to our private emolument. It is our duty to attend to the reputation of parliament. And we beg leave to represent to your Majesty, that a further increase of the present overgrown influence of the crown, would be a treacherous gift from parliament, even to the crown itself; as it will enable the ministers to carry on those delusive systems which have been fatally adopted; and which, if pursued, must lead to the utter ruin, as they have already produced the distraction, of this once great empire.——(*Signed*)——

Abingdon, Abergavenny, Archer, King, Thanet, Torrington, Stamford, Effingham, Portland, Richmond, Rockingham, Fitzwilliam, Devonshire, Manchester."

British Museum.] April 28. Sir Grey Cooper moved, that the Petition of the Trustees of the British Museum, together with the General State of Accounts of the British Museum, to Dec. 31, 1776, be referred to the Committee of Supply. Upon which,

Mr. *Wilkes* said:

Before the Petition of the Trustees of the British Museum is referred to the committee of supply, I beg the indulgence of the House to submit a few general ideas on that subject, entirely independent of party or politics. The encouragement of all useful knowledge, and the protection of the arts and sciences, appear to me, Sir, just objects of public regard, and highly deserving parliamentary attention, especially in this great commercial country. Among the many proofs of the improvement of our national taste, and love of polite literature, the establishment of the British Museum claims the pre-eminence. It rose under the favourable auspices of this House, has been carefully watched over by us, and I hope will still continue to receive our friendly protection and support. Various branches of learning have already derived singular advantages from that rich repository, and I think it may be made yet more extensively useful to this kingdom. This, Sir, can only be done by this House, by parliamentary assistance. I shall at present confine myself to general ideas, and only throw out some hints for a future day's consideration.

It seems to me, Sir, highly expedient that the Trustees of the British Museum

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should not only be enabled adequately to fulfil the objects of their public trust, by making what is already collected as useful as possible to the nation, but still farther to extend the laudable purposes of their institution. Their present funds, we find by their Petition, are incompetent even to the contracted plan now pursued. It is a general complaint, that the British Museum is not sufficiently accessible to the public. This must necessarily happen from the deficiency of their revenues. The Trustees cannot pay a proper number of officers and attendants. This will to-day be in part the consideration of the committee, into which the House will soon resolve itself. But, Sir, I wish their plan much enlarged, especially on two important objects, Books and Paintings. This capital, after so many ages, remains without any considerable public library. Rome has the immense collection of the Vatican, and Paris scarcely yields to the mistress of the world by the greatness of the King's Library. They are both open at stated times, with every proper accommodation, to all strangers. London has no large public library. The best here is the Royal Society's; but even that is inconsiderable, neither is it open to the public, nor are the necessary conveniences afforded strangers for reading or transcribing. The British Museum, Sir, is rich in manuscripts, the Harleian Collection, the Cottonian Library, the Collection of Charles 1, and many others, especially on our own history; but it is wretchedly poor in printed books. I wish, Sir, a sum was allowed by parliament for the purchase of the most valuable editions of the best authors, and an act passed to oblige every printer, under a certain penalty, to send a copy bound of every publication he made to the British Museum. Our posterity, by this and other acquisitions, might perhaps possess a more valuable treasure than even the celebrated Alexandrian Collection; for, notwithstanding that selfishness, which marks the present age, we have not quite lost sight of every beneficial prospect for futurity. Considerable donations might likewise, after such a sanction of parliamentary approbation, be expected from private persons, who in England, more than in any country of the world, have enlarged views for the general good and glory of the state.

The British Museum, Sir, possesses few valuable paintings, yet we are anxious to have an English school of painters. If we expect to rival the Italian, the Flemish, or even the French school, our artists must have before their eyes the finished works of the greatest masters. Such an opportunity, if I am rightly informed, will soon present itself. I understand that an application is intended to parliament, that one of the first collections in Europe, that at Houghton, made by sir Robert Walpole, of acknowledged superiority to most in Italy, and scarcely inferior even to the duke of Orleans's in the Palais Royal at Paris, may be sold by the family. I hope it will not be dispersed, but purchased by parliament, and added to the British Museum. I wish, Sir, the eye of painting as fully gratified, as the ear of music is in this island, which at last bids fair to become a favourite abode of the polite arts. A noble gallery ought to be built in the spacious garden of the British Museum for the reception of that invaluable treasure. Such an important acquisition as the Houghton collection, would in some degree alleviate the concern, which every man of taste now feels at being deprived of viewing those prodigies of art, the Cartons of the divine Raphael. King William, although a Dutchman, really loved and understood the polite arts. He had the fine feelings of a man of taste, as well as the sentiments of a hero. He built the princely suite of apartments at Hampton-court, on purpose for the reception of those heavenly guests. The English nation were then admitted to the rapturous enjoyment of their beauties. They have remained there till this reign. At present they are perishing in a late baronet's smoky house at the end of a great smoky town. [Sir Charles Sheffield's house in St. James's Park, now called the Queen's Palace.] They are entirely secreted from the public eye; yet, Sir, they were purchased with public money, before the accession of the Brunswick line, not brought from Herrenhausen. Can there be, Sir, a greater mortification to any English gentleman of taste, than to be thus deprived of feasting his delighted view with what he most desired, and had always considered as the pride of our island, as an invaluable national treasure, as a common blessing, not as private property? The kings of France and Spain permit their subjects and strangers the view of all the pictures in their collections: and sure, Sir, an equal compliment is due to a generous and free nation, who give their prince an income of above a million a

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year, even under the greatest public burthens.

A remarkable opportunity, Sir, of improving the national taste in painting, which was lately lost, I hope may now be recovered. The incomparable sir Joshua Reynolds, and some other great painters, who do honour to our country, generously offered the late bishop of London, [Dr. Richard Terrick] to adorn the cathedral of St. Paul's, that glorious monument of the magnificence of our ancestors, with some of their most valuable works; but the proposition had to encounter the absurd, gothic prejudices of a tasteless and ignorant prelate, which were found to be insuperable. We have the satisfaction at present of having in the see of London a gentleman [Dr. Robert Lowth] not only of solid piety, but of the soundest learning, and of exquisite classical taste. I hope at such a favourable moment the proposition will be renewed and accepted.

As almost all arts and sciences, as well as some of the most useful manufactures, have a connection with each other, they will likewise give each other a mutual assistance. The beautiful art of engraving, which is now carried among us to an astonishing degree of perfection, will come to the aid of her sister painting. We have shewn our attention to that art this very session. I hope hereafter, even in this cold, raw climate, to be warmed with the glowing colours of our own gobelins tapestry, and I wish encouragement was given by parliament to that noble manufacture, which in France almost rivals the powers of painting. The important advantages of such a commerce too we may learn from our neighbours.

I am not alarmed, Sir, at the great expence, which some gentlemen seem to dread as the inevitable consequence of what I have mentioned. The treasures of a state are well employed in works of national magnificence. The power and wealth of ancient Greece were most seen and admired in the splendor of the temples, and other sublime structures of Pericles. He boasted, that every art would be exerted, every citizen in the pay of the state, and the city, not only beautified, but maintained by itself. The sums he expended on the public buildings of lettered Athens, in the most high and palmy state of Greece, after the brilliant victories over the Persians, diffused riches and plenty among the people at that time, and will be an eternal monument of the glory of that powerful republic. The Parthenon only, or Temple of Minerva, acknowledged to be the most beautiful piece of antiquity now remaining in the world, which is of the purest white marble, cost, with its statues and sculptures, above a thousand talents, near 200,000*l.*

One observation here, Sir, naturally occurs, which justice to the Trustees of the British Museum demands. No public money has ever been more faithfully, more frugally applied to the purposes for which it has been given, than what they have received. Perhaps the Trustees of the British Museum are the only body of men, who have never been suspected of want either of fidelity or œconomy. I think, therefore, we may safely trust them farther, not penuriously, but largely, on a great national concern, especially when their accounts are so frequently submitted to the examination of parliament.

Learning, Sir, and the polite arts, have scarcely more than three enemies, ignorance and stupidity always, superstition often. The noble lord with the blue ribbon, who is at the head of the finances of this country, possesses wit, genius, a great deal of true taste, and a very cultivated understanding. The most important establishment of this kingdom in taste and literature, now supplicates his assistance and protection, and I trust the arts will find in him a generous benefactor and a powerful protector.

The House then went into the committee. Sir Grey Cooper moved, "that 3,000*l.* be granted towards enabling the Trustees of the British Museum to carry on the execution of the trusts reposed in them by parliament."

Mr. *Burke* observed, that the House had of late shewn a most generous and giving disposition, both of their own, and the public money; probably they remained still in the same good temper. To make a trial of that, he begged leave to amend the hon. gentleman's motion, and instead of 3,000*l.* insert 5,000*l.* Parliament had been liberal of late, not of single thousands, or hundreds of thousands, but millions, granted for slaying their brethren and fellow-subjects in America; and surely they would not be more backward to encourage and protect the liberal and polite arts, than to forward the destruction of their species, and effect all those horrid mischiefs which are the inevitable consequences of civil war.

The motion was seconded by Mr.

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Wilkes; but the question being put on sir Grey Cooper's motion, the committee divided: Ayes 74, Noes 60.

Mr. Wilkes's Motion for expunging the Resolution respecting his Expulsion.] April 29. Mr. *Wilkes* rose and said: Sir; the important rights of election in the people are so deeply interested in the question which I think it my duty to move again to this House, that no apology can be necessary for my embracing this, and every opportunity, which the forms of parliament permit, of bringing this business again to our consideration. Every elector in the kingdom, Sir, was injured by the Resolution of the last parliament in the case of the Middlesex elections. A fatal precedent is thereby created of making an incapacity by a vote of this House, where the law of the land, and common right, rendered the party eligible. The words of the Resolution of the 17th Feb. 1769, are, "That John Wilkes, esq. having been in this session of parliament, expelled this House, was, and is, incapable of being elected a member to serve in this present parliament." By this arbitrary and capricious vote the House established an incapacity unknown to the laws of the land. It is a direct assuming of the whole legislative power, for it gives to the Resolution of one House the virtue of an act of the entire legislature to bind the whole. The King, the Lords, the Commons of the realm, suffer alike from this usurpation. It effectually destroys both the form and essence of this free constitution. The right of representation is taken away by this vote. It is difficult, Sir, to decide, whether the despotic body of men, which composed the last rotten parliament, intended by the whole of their conduct in the Middlesex elections to cut up by the roots our most invaluable franchises and privileges, or only to sacrifice to the rage of an incensed court one obnoxious individual. In either case the rights of the nation were betrayed by that parliament, and basely surrendered into the hands of the minister, that is, of the crown.

We are, Sir, the guardians of the laws. It is our duty to oppose all usurped power in the King or the Lords. We are criminal, when we consent to the exercise of any illegal power, much more, when we either exercise, or solicit it ourselves. This the late House of Commons did in the Address to his Majesty to dispense with the laws for the apprehending of two persons, not felons, but honest laborious printers, Wheble and Thompson, in 1771. Yet I have heard this day, and frequently of late, that very House of Commons, notwithstanding this and many other violations of freedom, spoken of here with great applause. Gentlemen, Sir, look much displeased. There is not, however, Sir, I am satisfied, one gentleman of the law, who will now get up in his place, and justify the illegal proclamation, which was protested against in this House by some of the ablest lawyers among us before it issued, and has since been universally condemned. It was by me set aside judicially, and a man apprehended under that royal proclamation discharged.

I observe, Sir, on all occasions, a tenderness for the proceedings of that parliament which it in no respect merited. If, however, they had been guilty of no other outrage against the freedom of the subject, this alone respecting the Middlesex election, by which the constitution is overturned, was sufficient for their full disgrace in the annals of our country. The present question has been fully debated twice in this parliament, many times in the last House of Commons, and I believe every precedent quoted, which could be produced, from times the most favourable, as well as the most hostile, to liberty, from the remarkable case of Wollaston, in the reign of king William, to that no less celebrated one of Walpole, in the latter end of queen Anne. An archangel descended among us would scarcely give a new, original idea on this subject. I shall therefore reserve myself, Sir, for the reply, if I hear any material objection to the motion, which I shall have the honour of submitting to this House. I can foresee only one objection, which I shall endeavour to obviate, and I hope the House will think that delicacy ought to yield to justice.

Gentlemen, I observe, have scruples of rescinding former resolutions, not knowing, they say, where such a practice may stop. It is a scruple, in my opinion, very ill-founded. The first great object is truth, and we ought to follow where that leads. If the last parliament have acted wrong, let us reform their errors. If they have established a wicked precedent, we ought to reverse it. If we have ourselves committed injustice, let us afford all the reparation in our power. We have given the world a remarkable instance of our repentance this very session, in the case of Mr. Rumbold and Mr. Sykes. The 22d

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of November last the order to the Attorney General to prosecute Thomas Rumbold, esq. and Francis Sykes, esq. as principal promoters and suborners of corrupt and wilful perjury at the election for Shaftesbury, was discharged, on the motion of as respectable a gentleman (Sir G. Savile) as ever sat in parliament. That order, however, was made by ourselves in the very last session, on the 14th of February preceding the reversal.

I have not yet, Sir, an inclination to quit the company of Messrs. Sykes and Rumbold. Their case will serve me farther in my reasonings. It is a strong argument against expulsion necessarily including incapacitation. I will suppose, Sir, that instead of the House having determined, in April 1775, in the first session of the present parliament, that neither of those two gentlemen, on account of their notorious bribery and corruption at Shaftesbury, were duly elected, it had then been voted that they were guilty of being the principal promoters and suborners of wilful and corrupt perjury, a resolution the House did actually come to in February 1776, and in consequence of so black a crime they had been expelled. Subornation of wilful and corrupt perjury is surely a more atrocious sin, and more merits expulsion, than the writing a libel. Afterwards let me likewise suppose the House change their opinion, and find they proceeded without sufficient evidence, a resolution the House did actually come to in November 1776. By the courtly, but unparliamentary, doctrine now pretended to be established, that expulsion means incapacitation, you would not have it in your power to restore them to their seats, although you were perfectly convinced of their innocence. Justice would call aloud upon you to do it, because it appeared that no legal proof, no sufficient evidence was given, on which you had founded so rash, so unjustifiable a judgment; but the cries of justice would little avail with a venal senate against ministerial despotism, or a royal edict in the form of a parliamentary resolution. My first expulsion, Sir, in January 1764, was for being the author of the North Briton, No. 45. Where is to this hour the legal proof by the oaths of twelve of my countrymen to be found of that charge? I have never even been tried on that accusation. A court of law determined on the charge of republication, a charge which might have been brought against 500 other persons.

As little delicacy, Sir, has been shewn by us to the acts of former parliaments, as to our own resolutions. Have we manifested any tenderness to the memory of the first parliament which was called in his present Majesty's reign? That parliament declared, and declared truly, in the Civil List Act, that 800,000*l.* was "a competent revenue for defraying the expences of his Majesty's civil government, and supporting the dignity of the crown of Great Britain." Within these few days we declared that 800,000*l.* was not a competent sum, and "That for the better support of his Majesty's household, and of the honour and dignity of the crown, there be granted to his Majesty, during his life, out of the aggregate fund, the clear yearly sum of 100,000*l.* to commence from the 5th of January 1777, over and above the yearly sum of 800,000*l.* granted by an Act made in the first year of his Majesty's reign." If the sum of 800,000*l.* was competent to these great purposes, we had no right to vote more of the people's money. We were improvident, and prodigal trustees for the nation, not to use a more harsh expression. We likewise voted the last week above 600,000*l.* as the last parliament had above 500,000*l.* much above a million in all, on the same pretext of paying the debts of the King, when his Majesty had enjoyed a competent revenue of 800,000*l.* clear of all deductions and contingencies, and those debts were of the most suspicious nature even as to the independency of this House. Let us not therefore, Sir, affect more tenderness for the last parliament in so flagrant an instance of injustice, as the case of the Middlesex election, than we have shewn to them, and to ourselves too, in other respects. We ought, if we are men of honour and principle, to do justice to all the electors of this kingdom, and by a formal repeal to make satisfaction to those zealous defenders of liberty, the spirited freeholders of this injured and insulted country. I desire, Sir, to recall to the memory of many gentlemen, what passed in this House the last parliament, on one of the great debates respecting the Middlesex elections. A noble lord, the darling of his country, as well as the favourite of our army, whose memory is dear to every Englishman, for he joined to the bravery of Cæsar all the mild and gentle qualities of our English hero, Edward the Black Prince; that noble lord, Sir, stood up in his place here, and solemnly asked

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pardon of his country for having, as he said, wounded the constitution, and violated the rights and privileges of this kingdom, by voting as he had done in this House in the business of the Middlesex elections. He did not stop there. He was anxious to make public reparation for a mistaken opinion, but of such moment; and he afterwards joined the opposition in an important question respecting the discontents of the people on this very subject. We may all, Sir, imitate the love of justice and candour, if we cannot reach the high courage, of that illustrious, immortal character, the late marquis of Granby.

While the resolution which I have mentioned is suffered to continue on our Journals, I shall believe, Sir, that the elective rights of the nation lie at the mercy of the minister, that is in fact of the crown; that the dignity and independency of parliament are in danger of being entirely destroyed. It is evident, that no gentleman now holds his seat by the choice of his constituents, but only by the good-will, and at the pleasure, of the minister, or by the royal permission. The tenure is equally precarious and unjust, for the constitution has clearly lodged in the people the power of being represented in this House by the man who is the object of their choice. A committee can never have but that single question to determine, provided the party is by law eligible, and has pursued only those methods which are warranted by law. I will seize every opportunity of importuning, of conjuring the House, if they have any reverence for the laws, utterly to rescind this unconstitutional and iniquitous resolution. We owe it to the present, and to every future age, and therefore I move, "That the Resolution of this House of the 17th of February, 1769, 'that John Wilkes, esq. having 'been, in this session of parliament, expelled this House, was, and is, incapable 'of being elected a member to serve in 'this present parliament,' be expunged from the Journals of this House, as being subversive of the rights of the whole body of electors of this kingdom."

There was no reply. The question was immediately called for, and the House divided.

	Tellers.	
Yeas	Mr. Ald. Hayley Mr. Baker	84
Noes	Sir Grey Cooper Mr. St. John	140

So it passed in the negative.

Debate in the Commons on the Bill for licensing a Play-house in Birmingham.] On the motion for the second reading a Bill for enabling his Majesty to license a Play-house in the town of Birmingham,

Sir *William Bagot* said he opposed the motion, because he disliked licensed theatres in manufacturing towns, and the fatal tendency of having theatres indiscriminately established throughout the kingdom. He drew a picture of a variety of mischiefs which might ensue in such a town as Birmingham, from Mr. Yates's having a power to act there, and defy the power of magistracy, urging, that forcing of tickets upon the working manufacturers, in lieu of wages, had already been practised to such a shameful degree, that a magistrate, since dead, (Mr. Worley Birch) who was himself systematically a man of pleasure, admired plays, and was fond of actors and actresses, had at one time found it necessary to interfere, and inform the actors, even though they were his favourites, that if he heard any more of such pernicious practices, he would not suffer them to play there again. Sir Wm. further said, that once they were sent out of town, and that they were not permitted to act in Birmingham again for three successive years. He observed, that the answer to him would be, "that it was improper to trust the case in the hands of magistracy; when it was notorious that there had been two unlicensed theatres suffered to be open at once for the two last summers." In reply to this he had to state the fact: there was no magistrate then near Birmingham; Mr. Worley Birch was too much indisposed to attend business for some time previous to his death, and, since that event, no new commission had been sent down till the spring of 1776, when the King-street company of players, who were preparing to act, were prevented from so doing by the new magistrate. Sir William dwelt on the bad consequences of forcing tickets on the poor mechanics, and declared it was not only owing to their immediate masters, but also to the employers of those masters, the factors for foreign countries, who obliged the masters to put off what number they thought proper: in order still more to enforce his arguments on this head, he drew a melancholy picture of the distresses of the poor people after they had received the tickets, shewing the difficulties they labour under, even to re-obtain half-price for them, and asserting, that they were frequently ob-

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liged to send their children to the avenues of the theatre to sell them for what they could get, and that the gentlemen who could pass through such a range of unfortunate beings, in their way to the theatre, without feeling for their distress, must love tragedies better than he did. By way of proving the fatal tendency of establishing theatres indiscriminately in any kingdom, sir William adverted to the times of the Romans, when he declared the giving theatres was the cause of the decline of the state; he declared, that to add to the dissipation of the people was always the maxim adopted by those who meant to enslave them, and that the common means of fixing slavery on any people was by giving theatres. He bid the House recollect the ancient medals, on the reverse of which was a theatre, with the words *Ludi instituti.* These were melancholy instances of the truth of what he had asserted, as it appeared from the words round the edges of such medals, that the Romans were also obliged to establish granaries of corn, and to give the people bread at the same time; this latter, he feared, would be the next step with Birmingham, if the House gave them a theatre. Here sir William introduced a kind of apostrophe on the subject of the Roman medals, appealing to the House how much more glorious it was to cast medals on any conquest, and how much better the inscriptions of *De Germanis*, or *De Britannis*, appeared, than that of *Ludi instituti.* From this digression he returned to his main subject, and remarked, that Birmingham was a village; that it had, from the industry and abilities of its inhabitants, grown into a large town; its glory, however, was in its village situation, and he wished it to retain it; he wanted not to see it ornamented with any royal trinkets, no royal charter, no royal incorporation, no royal theatres. And why, when the sense of the inhabitants was clearly against a limited theatre, should the House force one upon them? Why also give it to Mr. Yates, who had professedly broken the law for five and twenty years? There was, indeed, one reason: Mr. Yates had sent a card to every member, with his compliments, and begged their support of the Bill. Mr. Yates's compliments! The Speaker, he doubted not, had received one; he hoped he would attend to it properly. Sir William ended with intreating, that every gentleman would remember Mr. Yates's compliments!

Mr. *James Luttrell* agreed, that the Bill ought to be thrown out. He said that the practice of forcing tickets upon the workmen, instead of money to support their families, was very iniquitous, and unless the players could be turned out of the town, it would be impossible to prevent those crimes; that many complaints required redress, which could not be obtained if the theatre was licensed, and it would be very dangerous for parliament to point out, and for his Majesty to countenance any description of talents and merit, which did not contribute to benefit the manufactories. He spoke warmly against Mr. Yates, the petitioner; said the petition was impudence, and the application ingratitude; therefore, if discretionary powers ought to be given to any man, Mr. Yates was the last person Birmingham could approve of, or that the House could with decency admit of.

Mr. *Fox* objected to the asperity of the terms used by the hon. gentleman who spoke last, as improper for the place, the subject, and the person to whom they were applied. He had always retained a grateful sense of the entertainment he had received from actors of Mr. Yates's acknowledged merit; and he could perceive nothing in his conduct, on the present occasion, to justify such epithets. If the party, to whom they were applied, had been in a higher rank, it would, to say no worse, have been extremely indecent to have so treated him; and it must be very unpleasant and mortifying to any man. He therefore thought it extremely wrong, and could not be a silent auditor of such severities against a person who had only exercised that right which every other man had of applying to parliament. He declared himself for the second reading of the Bill, and sending it to a committee, when the true sense of the inhabitants might probably be collected. If any thing could be decided, one way or the other, he thought the probability was, that the majority of the inhabitants were in favour of the Bill, from the open and continued encouragement they had given to theatrical entertainments for such a number of years back. In his opinion, dramatic exhibitions had their use every where, and often drew the attention of the common people, and prevented them from wasting their time and money in employments of a much more dangerous and pernicious nature. In general, they tended to civilize and polish the manners of nations;

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and so far were the institutions of theatres from being the fore-runners of slavery, or the badges of despotism, that they were most encouraged, and flourished best, in free states. He was witty on what had fallen from sir William relative to the Roman medals. He said, he had much rather see such medals now struck, than political medals; for that there could be no disgrace in shewing by the words *ludi instituti*, that our manners were polished; but there might be some in having medals with the inscription *De Britannis Colonis*, which would tend to throw a ridicule on our late glorious campaign in America.

Mr. *Dempster* enforced the hint thrown out by Mr. Fox, that the sense of the town of Birmingham had not yet been taken. He jocosely remarked, that he thought it no improper familiarity in Mr. Yates to send cards to any member, with his compliments, desiring his support of the Bill. Perhaps, it would have been more familiar, and have given less offence if the card had been from Mr. and Mrs. Yates! It was evident there always had, and would continue to be, theatrical representations at Birmingham; therefore, it was certainly better to legalize them, and put them under the inspection and jurisdiction of the proper officer, than to leave it to the discretion of a private magistrate to check their irregularities. The Lord Chamberlain would regulate a licensed theatre, and upon any just complaint of the inhabitants, suspend the licence.

Sir *Henry Gough*, living near the town of Birmingham, had frequent opportunities of hearing the most melancholy complaints against the oppression of forcing the poor workmen to take tickets for the players' benefits; and since there had been two rival theatres, the evil had been greatly increased, and that it was high time to put a stop to it. The Bill, so far from applying a remedy, would establish, and in some measure authorise, the hardship. There was no necessity Birmingham should have any theatre; a strolling company might now and then come there, but the magistrates would judge if it was proper for them to perform or not; and having no fixed residence or protection, they could have no pretence for the shameful method of distressing the poor by benefit tickets. He was therefore against the Bill.

Mr. *T. Townshend* bestowed great encomiums on the talents of Mr. Yates as an actor; acknowledged his having frequently received great pleasure from his representations; and thought it was improper to treat him severely for his application to the House for a Bill to enable him to entertain the people of Birmingham according to law; but yet he must, though with reluctance, give his vote against the second reading of the Bill; for it was clear to him, that there should be no theatres allowed by law in any manufacturing towns. He had heard from good authority, that the theatre licensed at Manchester, in consequence of a similar application to parliament, had done a great deal of mischief already: nor could it be wondered at, if we consider what pieces are sometimes represented, which, not being new, are not subject to the controul of the Lord Chamberlain: the Beggar's Opera, for instance, which had brought more unhappy people to the gallows, than any one thing he could name. As to the country gentlemen, surely this was not such an age of domestic retirement, but what they might find sufficient amusement in visiting their neighbours in the summer, without wanting to frequent a theatre. The affair of the tickets, he observed, was become an intolerable oppression; for it was not always the master manufacturer who compelled his workmen to take them; it was the agents from foreign countries, who forced the masters to take them, or threatened to carry their orders elsewhere if they refused. Considering, then, the circumstances of Birmingham as a great manufacturing and trading town, depending on the industry and frugality of the poorer class of people, he was of opinion it would be highly improper to license any theatre there.

Mr. *Burke*, after exculpating Mr. Yates from the charge of impudence in his application to the House, declared it to be the right of every subject to petition parliament in any case, where the legislature could be of use to him. It rested with parliament to receive or reject his petition; but certainly he ought not to be treated with severity, so that he should go from the House in a worse situation than he came to it. As to the opprobrious epithets used in old acts of parliament against unlicensed players, he was sorry to say they partook of the savage temper of the times in which they were made. The profession was a liberal one, and, under proper limitations, highly useful; and, therefore, he wished to see those whose abilities gave rational entertainment to the public treated with decent respect. If unlicensed

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players were deemed vagabonds, surely Mr. Yates was justifiable in attempting to obtain the sanction of the law for his person and for his entertainments, which the people of Birmingham seem to have been fond of for so many years. He thought the personal character of Mr. Yates had nothing to do with the question. He then corrected sir William Bagot in point of chronology, remarking, that theatres were instituted at the time when the Roman republic was in the most flourishing state; that civil liberty encouraged this rational entertainment; and it was only on the principle that no man should be compelled even to pleasure, that he should oppose the Bill, because it was evident to him that a very great majority of the inhabitants were against it. He mentioned sir William's wish, that Birmingham might remain in its village state; and took notice of the politics of the times, which he feared would gratify the hon. gentleman's wishes; for instead of improving villages, and converting them into large towns, the wretched measures we had been pursuing for some time past, it was to be feared would soon reduce our great trading towns to obscure villages. Birmingham might very soon have no theatre, no manufacturers, no magistrates.

Mr. *Wilkes* went into the Roman history, and maintained from thence that the time when theatres were most encouraged, was the very period when Rome enjoyed her civil liberty in its greatest perfection. Lelius and Scipio, the friends and protectors of the liberties of the Romans, were likewise the patrons of Terence. In the free states of Greece, theatres flourished earlier than at Rome. It was a rational entertainment, and the hon. gentleman who mentioned the Beggar's Opera, should have added, that in the same theatre the Conscious Lovers and Cato are performed: and I appeal, said Mr. Wilkes, to the gentlemen who have seen the representation of Macbeth, if they do not think it must have a greater effect to prevent the horrid crime of murder, than all the sermons that have been preached since the beginning of the world. With respect to the magistrates of Birmingham, I must observe, Sir, that they have no power but what they derive from the laws; and in permitting unlicensed players to perform for so many years, they were guilty of a breach of their duty: they suspended the laws; an offence for which one of the Stuarts was obliged to leave this country.

The application from Mr. Yates is a very proper one, that he may be supported in his profession by the laws; and notwithstanding all that has been said against having theatres at Birmingham, I still think the people will be better employed at the playhouse than in ale-houses and gin-shops. As to the majority, too much stress is laid upon them; if 50,000 of the inhabitants of Birmingham are against having any theatre at all, is this a good foundation, in a land of freedom, for debarring the other 10,000 from the enjoyment of a rational amusement, for which they have a strong inclination? Surely it cannot, it ought not. As to the abuse with respect to benefit tickets, it may be provided against in the progress of the Bill; I am therefore for the second reading.

Mr. *James Luttrell* to explain, said, that Mr. Yates's character was a very material and necessary object of consideration; for that the Bill applied to take powers out of the respectable hands of the magistrates, who must have the peace and prosperity of the town and manufactures at heart, and that to vest those powers in the hands of a man who shewed contempt for the inhabitants, and was odious to them, would be a crime in the House; therefore, as a member of it, he was free to give his opinion of Mr. Yates's conduct. He maintained, that Mr. Yates's attempt to carry such a Bill, in defiance of all the principal gentlemen, and most of the inhabitants of Birmingham, was impudence, and paid no compliment to the integrity of parliament; and that having received favours for twenty years, upon sufferance, shewed the height of ingratitude towards his benefactors.

Mr. *Rous* spoke against the Bill, and replied to what Mr. Wilkes had said respecting a magistrate's suspending an act of parliament. He contended, that the hon. gentleman was mistaken in imputing a neglect of duty to the neighbouring magistrates, because they permitted unlicensed theatrical representations, contrary to law. As a magistrate, the hon. gentleman ought to have known that it is no part of the duty of a magistrate to act in the first instance, but officially, on a complaint made, or information given.

Mr. *Harris* remarked, that almost every gentleman who had taken a part in the debate, had complained of enormities having been practised for upwards of twenty years in Birmingham, and yet that several gentlemen wished to throw out a Bill calculated to correct and restrain similar

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enormities in future. He mentioned several of the ancient writers of an elder day than Terence, and after speaking highly in praise of a well-regulated theatre, ended with urging the propriety of passing the Bill into a law.

The Bill was read a second time. On the motion, that it be committed, the House divided:

Tellers.

Yeas	Mr. Fox - - - - - -	18
	Mr. Dempster - - -	
Noes	Sir William Bagot - -	69
	Sir Henry Gough - -	

So it passed in the negative.

Debate on Mr. Temple Luttrell's Motion for the Admission of Strangers into the Gallery of the House.] April 30. Mr. *Temple Luttrell* said, he thought it for the credit of all parties, that strangers should be admitted under proper restrictions; candour, policy, gratitude, and duty to the people, whose representatives they were, called upon them to open their doors; so far as the confined limits of the House would admit of. There was, he insisted upon it, a constitutional right in their constituents to satisfy themselves how far their delegates did, or did not, discharge the trust reposed in them with firmness and fidelity, and to form some judgment whether their principles and legislative suffrages might merit a renewal of that trust on a future occasion. The persons solicitous to be present during the debates of parliament, are, generally speaking, such as are more immediately interested in the question under debate; and he appealed to some of the ablest, and most diligent members of the House, whether in former times they had not often been put in possession of matters of fact happily decisive of the business in issue, by stepping for a minute into the gallery. To fabricate and enact laws, especially of a penal nature, as most of those were which had lately passed the House of Commons, with a clandestine privacy, like lettres de cachet from the court of Paris, and thus take by surprize a subject whose liberty, and perhaps whose life, is affected thereby, must, it stands to reason, in a free country like ours, be utterly repugnant to the vital principles of its constitution; he therefore should move for a committee of the whole House, to consider the several orders relative to the exclusion of strangers from the galleries. He said he was not partial to any particular mode; but hoped, after due deliberation, the House would adopt that which should reconcile the reasonable, the commendable curiosity of decent persons who wished to be present, with the commodiousness of the members themselves. Some rule might probably be approved of similar to the following: "Any member of the House attending his duty in parliament, to be permitted, during the remainder of this session, to introduce, before four o'clock on each day of public business, one person into the gallery below the bars, on delivering at the Speaker's table, the name in writing of the person so introduced, and thereunto subjoining his own name as responsible for such introduction." The private business of the day was usually ended about four o'clock; supposing 300 members to be in the House by that hour, which was a greater number than he had ever seen during this session, and 200 of those meet with so many friends, whose names they should write down for admittance into the gallery, there would still remain seats enough within the bars for upwards of 100 members more, who might arrive in the course of the evening; that is, in case of an adulatory address to the crown, or an augmentation to the civil list revenue; for those were the only divisions he had seen in parliament when the company was so numerous; and indeed some scores of the majority members thought it sufficient if they repaired towards the close of the debate from the outposts, and upon a forced march to the standard of the minister. Hence it was that when the Ayes and Noes were finally cast up at eight or nine o'clock at night, there was sometimes a respectable attendance of near four-fifths of the whole body. Mr. Luttrell said he had been at the pains of measuring the seats, and if they would assign to strangers the entire gallery below the bar, there would yet be found near 800 feet of cushion for the easy accommodation of the members: he would not wish to limit every senator to the measure complained of the evening before, as prescribed by Mr. and Mrs. Yates for the Birmingham theatre, which was only nine inches each person; he would double that allowance, or even give twenty inches (which was about the size of the Speaker's seat) to each member: a pampered prebend in a metropolitan stall asked no more, and it was within half a foot of the state chair in

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which his holiness of Rome is carried, by way of anniversary sacrament, to the summit of St. Peter's church, in all the plenitude of his divine vicegerency, to extinguish heresy under the type of a lighted candle. When sir John Cust was Speaker, and during the great length of time that Mr. Onslow presided, strangers were admitted even into the body of the House, while lord Chatham has here delivered his sentiments on public affairs, with god-like persuasion and eloquence. Strangers have been suffered to advance so far as beneath the rose which is in the centre of your roof; that rose which is now become, like the bloody ones of York or Lancaster, a symbol of state secrecy. To make its figurative import more perfect, I would have it painted white; the white rose of the 10th of June should perpetuate tne honour and virtue of our present ministers —with the arbitrary principles of their cabinet junto and cabinet parliament. Mr. Luttrell added much more on the ground of the original rights of the people in this free country, to be present at the national debates carried on in their behalf by their delegates in parliament; and wished only to have the advocates for the continuance of this calamitous civil war, and those who took the contrary side of the question, and reprobated the promoters of it, impartially listened to by their constituents without doors. No doubt the minister would not object to opening the doors on the day of the budget. For his part, next to the exclusion of strangers altogether, he thought nothing so unadvisable in this business as to admit strangers partially to hear mutilated debates, or artful, dangerous, and wicked misrepresentations. He then moved, That the orders made upon the first of November last, "That the Serjeant at Arms attending this House do, from time to time, take into his custody any stranger or strangers that he shall see, or be informed of to be, in the House or gallery, while the House, or any committee of the whole House, is sitting; and that no person so taken into custody be discharged out of custody, without the special order of the House." Also, "That no member of this House do presume to bring any stranger or strangers into the House or gallery" might be read. And the same being read accordingly; he next moved, "That the said Orders be taken into consideration in a committee of the whole House."

Mr. *Wilkes* seconded the motion.

Mr. *T. Townshend*, not having observed Mr. Wilkes, seconded the proposal. As he had been a member of the House during three parliaments, he was master of the precedents of former times, and the custom of parliament, relative to the admission of strangers. He said, that such indulgence was reasonable, and even necessary, on constitutional principles; and he never had been witness, till the present Speaker was in the chair, of their general orders thereupon being vigorously put in force. He wished them to follow the example of the other House, which had opened their door to strangers; but yet, he added, that he had a kind of plebeian rusticity about him, which could ill brook the ungracious way of doing it with regard to the Commons. He was severe upon administration; he said he could impute their repugnance at going into a committee to nothing but a glaring sense of their iniquity, and a consciousness that their deeds would ill bear the light.

Mr. *Wilkes* insisted upon what he called the constitutional propriety of going into a committee upon these rigid and unjustifiable orders on the journals against the very creators of their authority; and drew a picture of what he called the dark and bloody politics of the present junto of ministers.

Lord *North* took a view of all that had been advanced by the three gentlemen. He assured the hon. mover, that he by no means wished to open the doors on the day of the budget, nor at any other time. The day of the budget was to him a day of anxiety and labour, and not of exultation: "sufficient for the day would be the evil thereof." He flattered himself, at all events, he should have hearers enough on that day, without admitting strangers into the gallery: but he wished the hon. member would point out in what instance he had deceived parliament, and misrepresented the state of this country, or of foreign powers, before he advanced so harsh an insinuation. The hon. member had measured the size of the gentlemen belonging to the House, but he had not calculated so exactly the size of constituents who were to be admitted into the gallery: he conceived they could only be the constituents of the hon. gentleman who spoke last (Mr. Wilkes) and the proposal was to restrain the indulgence to about 200 only, and all other constituents were, it seems, still to be kept out. He believed the House would be of his opinion,

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not to open the doors on any occasion, not even for the budget; though it was on very fair public ground that they had heretofore been admitted on that day.

Mr. *Luttrell* should be sorry if the House held him capable of advancing charges of a criminal nature, such as the noble lord had erroneously taken to himself, without stating the facts on which such charges were framed; much less would he leave the House with an impression, that those charges might have been intended for that noble lord, for whom he had the respect and deference due to his exalted station and pre-eminent talents: but other ministers had so misrepresented the condition of our fleets and armies, and the resources of this country, as well as the policy and strength of their natural enemies, and of our revolted fellow-subjects (now fellow-subjects no longer!) that, he conceived, he was fully authorised in candour, to apprehend, that no very fair and authentic story would, upon the whole, compose the approaching annual budget. He observed, that although only 200 strangers might conveniently be admitted at the time, yet the indulgence would not be always confined to the same individuals; on the contrary many thousands might in the course of a session hear some part of the debates: he should have thought that the noble lord, who was present the preceding evening when a question was agitated locally affecting the county of Warwick, must have observed, that the gallery was nearly filled, not with Middlesex voters, whom the noble lord seemed so averse to, but with persons from that part of England immediately interested, who had the satisfaction to see both their knights of the shire zealously supporting the wishes of all the respectable inhabitants in the most populous and flourishing town of the county they represent, against a few presumptuous dramatic speculatists.

Mr. *Fox* expressed his hearty approbation of the motion, and was glad the hon. gentleman who introduced it had not urged an absolute discharge of the uniform and necessary orders of the House, established for good government and decorum. He wished that the House would, as heretofore, decline to enforce those orders with such reprehensible rigour; and he was sure, that if a committee were to take it under candid consideration, some method might be devised fully to answer the end proposed. He took a view of lord North's arguments. He dwelt on the expediency of letting in young men of parts and education, that they might cultivate and improve their understanding, and become early habituated to the conduct of state affairs, and to political argumentation.

Mr. *Rigby* said, the hon. gentleman who spoke last was himself the strongest proof that a gallery lesson in politics was not necessary to form a perfect statesman and orator; for, if here collected rightly, he was elected into parliament under the age of 21, and before he returned home from his travels; and certain it was, he could not have been much schooled in that gallery. He added, that his fundamental maxim in politics was to be consistent throughout, and act according to the best of his judgment. He thought it improper to let in strangers; they had no business in the House at all; and he had observed, that when they are thus indulged, scarce a day passes without some of the members being put to much inconvenience, and frequently they have been pushed about and insulted. He always had voted against admitting strangers, and would continue so to do. Even when it was a custom to let in strangers under certain restrictions, he had never brought in any body, and never would, even should the like indulgence again take place. Some gentlemen were for letting in the eldest sons of members; he had no eldest son; many other gentlemen, as well as himself, were so unhappy as to have no eldest son; were they therefore with propriety to be deprived of the benefit of such indulgence, if they chose to have their share of it? Besides, the eldest son was not heir by birth to a seat in that House; he might, possibly, never have a seat there, except indeed where there were hereditary burgage tenures in the case. What good could result from strangers being in the gallery? Only to print speeches in newspapers of all sorts. He agreed that the Commons had little reason to be pleased with the stile and terms of their admission into the House of Peers: a line was drawn between commoners who are allied to the peerage, and all others of inferior dignity. Lords' brothers and lords' cousins might be accommodated behind the throne, but the rest of that House must be content to stand below the bar, with an intolerable crowd of other persons, and with a risk of having their pockets picked. He finished by declaring, that although he disapproved

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of the motion, he would not be one of those who would give his vote in favour of any positive resolution of parliament, to exclude the people without doors totally; and if the power could be totally vested in the Speaker, and committed to his discretion, he might perhaps risk a little of the strictness of his ruler's doctrines.

Sir *W. Meredith* said, that none but members ought to be present during the debates of that House; there were votes published under the Speaker's authority, which sufficiently declared the sense and determination of the House of Commons on every important question. The arguments, the motives, the policy, and influence that might induce those decisions, were out of the pale of popular enquiry. The world at large, even our immediate constituents, had no just claim to be apprized of all the minutiæ of debate; but if gentlemen wished to let in strangers, they should first learn to preserve better temper, to lay aside inflammatory declamation, personal animosities, and indecent freedom of speech; then, perhaps, all parties might coincide in an opinion to extend the indulgence that was now asked for, as far as it could go, without impeding the business of the nation, or molesting the members in the possession of their seats in the body of the House.

The *Speaker* finished the debate, by calling on the House to instruct him on this delicate occasion how he was to act. He said, if it were to meet the sense of the House, and he could be allowed to admit strangers impartially, and according to a general rule agreed on by all parties, he should be far, for his part, from having an objection to such indulgence; but he wished not to have a discretionary task assigned to him in an affair of this kind, where he was apprehensive that the best-meant complacency, and unbiassed dispensation of his power, would fail of giving that unanimous satisfaction which was the first object of his ambition.

The House divided:

	Tellers.	
Yeas	Mr. Temple Luttrell Mr. Fox	16
Noes	Mr. George Onslow Mr. Robinson	83

So it passed in the negative.

Lord Radnor's Protest against the Bill for the better Support of the King's Household.] May 1. It was moved, that the Bill "for the better support of his Majesty's household, and of the honour and dignity of the crown of Great Britain," be committed: which being objected to; after a short debate, was resolved in the affirmative.

"Dissentient'

"Because though I admit and zealously contend, that the splendor and dignity of the crown of Great Britain and the credit of the royal household, ought, for his Majesty's personal satisfaction, no less than for the honour of the nation, to be maintained by liberal grants of parliament (liberal beyond the charge of parsimony, or a minute calculation of the demands of government), yet when no consideration is had, and no account whatever given in, of various productive funds of which his Majesty's servants are in the receipt, and which never are accounted for in parliament, I must insist, that all calculations of a deficiency in the assumed sum of 800,000*l.* only, are fallacious and absurd.

"Because these funds produce either the sum of 78,000*l.* or more or less. If they produce that sum, the produce more than liquidates the present stated debt: if they produce less, but yet produce something, the accounts upon the table cannot be true, for such produce would then either have been accounted for in diminution of this debt, or such produce is still in hand, and the means of discharging such debt remain; or there has been some secret expenditure to which it has been applied, and which administration have not thought fit to mention. If they produce (as I cannot but think they do produce) considerably more, it surely rests on administration to shew the application, rather than becomes the credulity of parliament to accept these accounts as complete, or its generosity to supply with such readiness, and consequently encourage the wantonness of their profusion as to the amount, and perhaps their criminality in destination of these sums.

"And because when, exclusive of the enormous sums stated to be lodged with certain persons, who are members of the House of Commons, for secret and special services, (words calculated to perplex, and not inform), the extravagant amount of salaries and acknowledged pensions, (to which parliamentary jealousy claims a right of making a large addition, on account of the general belief, amounting with many persons to an internal convic-

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tion, of considerable disbursements for secret and unacknowledged purposes), is considered, I hold it my duty as a member of the legislature, to withhold the additional means, afforded by this Bill, of corrupting the integrity of parliament.

"RADNOR."

MR. SPEAKER NORTON'S SPEECH TO THE KING ON PRESENTING THE BILL FOR THE BETTER SUPPORT OF HIS MAJESTY'S HOUSEHOLD.] May 7. The King being seated on the throne, adorned with his crown and regal ornaments, and attended by his officers of state (the Lords being in their robes), commanded the gentleman usher of the Black Rod to let the Commons know, "It is his Majesty's pleasure they attend him immediately, in this House." Who being come,

Mr. Speaker *Norton* addressed his Majesty as follows:*

"Most Gracious Sovereign,

"The Bill, which it is now my duty to present to your Majesty, is intituled, 'An 'Act for the better support of his Ma'jesty's Household, and of the honour and 'dignity of the crown of Great Britain:' to which your Commons humbly beg your royal assent.

"By this Bill, Sir, and the respectful circumstances which preceded and accompanied it, your Commons have given the fullest and clearest proof of their zeal and affection for your Majesty. For, in a time of public distress, full of difficulty and danger, their constituents labouring under burthens almost too heavy to be borne, your faithful Commons postponed all other business; and, with as much dispatch as the nature of their proceedings would admit, have not only granted to your Majesty a large present supply, but also a very great additional revenue;—great, beyond example; great, beyond your Majesty's highest expence.†

"But all this, Sir, they have done, in a well-grounded confidence, that you will apply wisely, what they have granted liberally: and feeling, what every good subject must feel with the greatest satisfaction, that, under the direction of your Majesty's wisdom, the affluence and grandeur of the sovereign will reflect dignity and honour upon his people."

Ordered, *nem. con.* That Mr. Speaker be desired to print the Speech by him made to his Majesty in the House of Peers, this day, upon his presenting to his Majesty the Bill for the better support of his Majesty's Household, and of the honour and dignity of the crown of Great Britain, which then received the royal assent.

Debate in the Commons on a Demand made by the Landgrave of Hesse for the Expences of Foreign Hospitals during the late War.] May 8. In the Committee of Supply, Lord North moved, "That 41,820*l.* be granted to the Landgrave of Hesse Cassel, to make good expences of foreign hospitals during the late war: that 32,934*l.* be granted for a like sum distributed among his Majesty's subjects in America, for the losses they have sustained since the commencement of the present troubles in that country." On the first Resolution, the Committee divided, Ayes 38, Noes 20. The second was agreed to without a division.

Colonel *Barré* condemned the conduct of administration in very severe terms, particularly for what he called their public profusion, and the House for its tame acquiescence in every thing proposed by the minister, however scandalous and barefaced. He enumerated the several douceurs the German princes had received, in order to induce them to a mercenary bargain for the sale of human blood, to be spilt in a quarrel they had no more eventual interest in, than in that now waging between the Turk and the Sophi of Persia, or the scenes of murder, oppression, and pillage, acting within the Mogul empire. Every request, however unreasonable, was granted; every offer, however preposterous and humiliating, was made to those petty princes, to induce them to forward the schemes of a set of men, who were determined to extirpate our subjects on the other side of the Atlantic, or compel them to submit. They had double subsidies, levy-money, ordnance, and staff: they were paid for killed and wounded men, and still their corps were to be recruited to their full complements previous to their return to Hesse and Brunswick, so that they were doubly paid, doubly officered, and were to have double subsidies. Levy-money was even paid for their officers, a circumstance unknown, he believed, in the military annals of mankind. He observed, that fourteen years had elapsed since the

* This is an exact copy of the Speech as published by the Speaker.

† Several members, who took notes of this Speech, wrote *wants* instead of *expence*.

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state claim, now revived, was first made; that a commission was appointed to take the whole of the German demands into consideration, to examine and liquidate them; that after the most laborious investigation, several of the claims, among which the present was one, were totally rejected, neither being properly vouched nor authenticated; and of those that had a colour of justice to support them, the commissioners thought they acted generously by liquidating the demands at 11*d.* in the pound discount; that is, instead of paying the German princes 20*s.*, they gave them just 20*d.* An expression had fallen from him in a former debate, which he now begged leave to retract. He had said, that that House held the public purse. Fool, that he was, for being so deceived! He might have long since learned, that whatever sum the minister thinks proper to ask is instantly voted without hesitation, without account.

Mr. *Cornwall* said, he was one of the commissioners who were appointed to liquidate the German demands; but denied that the charge for hospitals was totally, or at all rejected. It did not properly come under the cognizance of the board, because it depended upon another account, not at that time made up, that of Mr. Bishop, who was purveyor to the hospitals. So far from the demand being stated, it was kept up from the time it was first incurred, to the present year, in a regular official manner; and when it came before the commissioners, it was neither refused nor reprobated, but was merely postponed, as not being regularly before them. From what appeared then, as well as what he had learned since, he was convinced the claim was a just one.

Mr. *Burke* said, he always understood that the German accounts had been settled many years ago; parliament and the nation, he presumed, understood so too. If he was mistaken, he was mistaken in good company; and all he could say now was, that the commissioners, among whom he might include his hon. friend, had not done their duty. This demand, which, it seems, was known to every one but those who ought to have been thoroughly acquainted with it, lay sleeping for upwards of two years, and now came waking to that House, which, indeed, seemed, like the claim, to be slumbering over the interest of the nation. If this demand was paid, the certain consequence would be, its being followed by others beyond number—"The fruitful parent of a hundred more." All Germany will daily teaze with importunities, or stun this House with its after-claps. We shall never be easy; we shall never have done granting, nor they asking, while we have a shilling left to grant. He was severe on the minister for urging a matter of so much consequence when there was so thin an attendance.

Lord *North* allowed, that the account was of a long standing; and wished it had been made earlier. That, he observed, however, was the only objection that could be urged against it; for he was of opinion that the account was clearly stated, and that the demand was just, and ought to be paid.

Mr. *T. Townshend* spoke warmly against the motion. He observed, that the German accounts were made up most iniquitously; and that that able and honest man, the late Mr. Grenville, being minister at the time the commission was appointed to enquire into, and to liquidate them, set his face against them. He instanced one or two particulars of gross imposition, and observed, that although the defalcation made by the commissioners might not be quite so much, as that stated by his hon. friend, he was pretty sure that it amounted to full two-thirds, if not more. He instanced one article of 70,000*l.* being entirely rejected; whether the claim now made was included in that sum, he knew not; but he was certain the whole affair had a very disgraceful appearance.

Sir *Charles Bunbury* said, he should certainly give his negative to the resolution; an account examined and settled, should never again be brought forward, unless proofs, which were out of the power of the creditor, accompanied it. Nothing like that was pretended; no new light was spoken of; the only reason assigned by the minister for complying with the demand was, merely that it was made, and that was all.

An explanatory conversation now took place between lord North and Messrs. Barré, Cornwall, Townshend, and Burke; in the course of which, nothing could be drawn from the Treasury-bench, but that the honour of the nation, founded on its good faith to all the world, particularly to its allies, rendered a compliance with the present demand indispensably necessary.

Mr. *Burke* denied that the good faith, or national honour, was at all concerned. On the contrary, he thought that they

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were both so much concerned, as to reject the motion with contempt. If we gave money, we should give it spontaneously, and not be bullied out of it. The Hessians were now maintaining a ministerial war in America. Honour, dignity, even decency was to be sacrificed to this favourite measure. Hesse availed themselves of the glorious golden opportunity, and extorted the sum now demanded; or, he presumed, threatened to withdraw their troops. He laughed at the dignity and honour of the nation, and the good faith observed by it towards its allies; and concluded with predicting, that the king of Prussia would again renew and press his claims relative to the arrears of subsidy due since the late war; and, in his opinion, was much better entitled to be gratified, than the landgrave of Hesse, though he did not mean to consider the justice of his Majesty's claim in any other than a comparative view.

The Resolutions were then agreed to. The Speaker having resumed the chair, as soon as the first Resolution was read,

Sir *Henry Hoghton* said, that no person would be readier to support the good faith of the nation than himself; but he could never consent to the granting a sum of money, which exactly resembled a foreign tribute, extorted from us on account of the distracted situation of our public affairs. He was certain, that no example of such a requisition was known in the annals of parliament, that a debt should be demanded at the end of 14 years; and that at such a critical season, that, he presumed, those who made it imagined that it could not, nor would not be denied. For his part, however ready he was to give strength and vigour to government, he should do all in his power to disappoint so ungenerous an expectation; and as he spoke, he should most certainly vote against it. He could not help expressing some degree of indignation at an attempt, which bore every appearance of endeavouring to impose on the nation by means the most unprecedented and unjustifiable.

Mr. *Cornwall* said the affair had been totally misunderstood in the committee. The demand was represented as a dormant claim, now revived, though suffered to sleep for 14 years; that it was rejected by the commissioners appointed to liquidate the German demands, during the administration of Mr. Grenville; and that, in its present shape it wanted that degree of authenticity, which it ought to have, to entitle it to the attention of that House. He should say a word or two on each of those heads. As to the staleness of the demand, the contrary was manifest, for it was included in the gross sum which came before the commissioners, but not thinking themselves authorized, the matter, so far as it concerned them, was postponed, not rejected. Applications were then made through an official channel, where it was answered, that until Mr. Bishop's accounts, who had the superintendancy of all the hospitals, were received, nothing could be done. When those accounts were passed, the foreign hospitals made a part of them. They were accordingly referred to the auditor of the imprest, where being audited and passed, they were referred back to the Treasury board. So the affair stood in 1773 or 1774, when the last steps were taken in this matter. Other business of greater importance, or accident, prevented any thing more being done, till the treaties with Hesse were entered into: and from that time till the account was ultimately examined and approved of, nothing particular passed on the occasion. The discharging the demand made no part of any public or private stipulation. When the Treasury board received that degree of satisfaction, and those regular official documents it always requires, administration for the first time determined to bring the matter into that House. The claim, then, being neither a stale nor dormant one, he could with justice say, that it was never rejected. The reason why the commissioners declined having any thing to do with it, was this: Mr. Bishop's accounts, in which those of the foreign hospitals were included, not being passed in the official forms, it was impossible for them to determine on the affair of foreign hospitals, without directly taking upon them to decide on Mr. Bishop's accounts, which was clearly out of their province. And as to the last objection, that the accounts were neither clear nor properly vouched, if even true, it did not remain to be now discussed. If they were improperly passed, that might be a subject very proper for the House to examine into, as applying to the conduct of the officers; but, as against the claim, it availed nothing. The demand was made in time; it was regularly examined, and officially passed; and consequently, as between this country and the landgrave of Hesse, it had every sanction which the law or constitution could give it.

Sir *George Howard* observed, however

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ingenious the hon. gentleman's arguments might be, they were nevertheless far from bringing home conviction to his mind. He well remembered, that when he was in Germany, frequent applications were made to him on the subject, but he could never be prevailed upon to give his countenance to what he all along had reason to believe was conducted in a very suspicious, if not fraudulent, manner. He recollected having several conversations with Bishop, which, with what he learned himself, were the causes why he entertained the disapprobation he now expressed; nor could he see how the passing of Bishop's accounts totally precluded the commissioners from entering into any enquiry into the justice of the demand, but by resorting to the true cause, which was, that the claim was really and truly rejected: or that if it had been pressed at the time, it would have been found to be unsupported by truth or justice. In every light, therefore, he considered the claim, and from the mode of bringing it forward, he had still more reason to think it ought not to be complied with.

Mr. *Baldwin* opposed the receiving the report, chiefly on account of the staleness of the demand. The debt, on which the demand was founded, was contracted 16 years ago. A regular demand was made; commissioners were appointed to decide whether it was or was not a just one; the issue of their enquiries was a positive rejection.

Mr. *Booth* said, the present was a claim he could never consent to; and the mode of bringing it forward, so late in the season, and when so many of the representatives of the people were absent, not expecting such an after-clap, rendered the affair still more disagreeable.

Sir *Grey Cooper* insisted, that nothing could be more clear than the accounts, nor nothing more satisfactory than the manner in which they were vouched and passed. That whatever reluctance some gentlemen might have to the staleness, there did not a single objection subsist against the justice of the demand; and as for its being of so long a standing, when it was considered that it could not have been otherwise, that objection must share the same fate, as proceeding entirely from necessity.

Mr. *T. Townshend* contended, that the present sum, if voted, would be in fact an additional subsidy; and lamented those fatal measures which had thus reduced us to the humiliating situation of being dictated to, and bullied, by every petty prince on the German continent, into the most mortifying and disgraceful concessions. This, he said, with numerous others of the same tendency, were the blessed fruits of endeavouring to reduce our subjects in America to a state of the most wretched slavery.

Mr. *Cornwall* said, when the matter first came to his knowledge, he retained some doubts whether it could be entertained, or be properly brought before parliament; but when, upon further enquiry, he discovered the true state of the transaction, as he had represented it, the noble lord who moved the resolution in the committee, as well as himself, were of opinion, that the money might have been paid without bringing it into parliament, or previously procuring its consent, as an out-standing arrear, regularly vouched, audited, and passed.

Mr. *Burke* was extremely jocular on the hon. gentleman who spoke last. The hon. gentleman, said he, first had his doubts, or rather was of opinion, that the application should have been rejected; and I think with great justice. His doubts, however, on further enquiry, began to vanish, and at length running from one extreme to the other, his mind suddenly became so enlightened, that he thought the noble lord might pay the demand without even so much as consulting this House, but only inform us he had paid it. This, I confess, is a most extraordinary alteration of sentiment. I should be glad to know from the hon. gentleman the ground of his doubts, when they began to vanish, and what it is that at length wrought this mighty change. Did the hon. gentleman's doubts proceed from his opinion that the claim was absolutely rejected by the very commission under which he acted? If they did, what new lights has he since received? I will appeal to himself if he has a single word of information now, more than he had then. If this be the case, how is it possible to account for this sudden illumination of his mind, but by supposing that he looks forward to the possible consequences of a refusal, and sanctifies the means by the end, that of keeping the landgrave in good temper. But there is something still more unaccountable in the hon. gentleman's conduct in another particular, than even any thing I have yet mentioned; that is, though he and the noble lord are both perfectly satisfied that the money demanded

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might be issued officially, as an arrear due to the subjects of the landgrave, or rather the landgrave himself; yet out of a kind of deference, or condescension, or modesty, or whatever his and the noble lord's friends may interpret it to be, his lordship, I presume, by the advice, or at least with the approbation of his hon. friend, comes to parliament. As he first doubted, was afterwards satisfied, and was finally convinced, does the hon. gentleman begin to doubt again? He certainly does, or he must confess himself guilty of great imprudence and possibly injustice; for suppose the resolution should not be agreed to, though the hon. gentleman is convinced that the claim is just, and the money safely issued by the board at which he sits, the claim would be, nevertheless, for ever reprobated, and the claimant unjustly deprived of his demand.

The House divided; Ayes 50; Noes 42.

Debate in the Commons on Sir James Lowther's Motion for an Address relative to the Income of the Royal Brothers.] May 9. Sir *James Lowther* moved, "That an humble Address be presented to his Majesty, to express the just sense this House entertains of his Majesty's regard for the lasting welfare and happiness of his people; and, as this House cannot omit any opportunity of shewing their zeal and regard for his Majesty's honour, and the prosperity of his family, humbly to beseech his Majesty, that, in consideration of the high rank and dignity of their royal highnesses the dukes of Gloucester and Cumberland, he would be graciously pleased to make some addition to their annual income, out of the revenues cheerfully granted his Majesty for the expences of the civil government, and better supporting the honour and dignity of the crown; and to assure his Majesty, that this House will enable his Majesty effectually to perform the same, as nothing will more conduce to the strengthening of his Majesty's government, than honourably supporting the dignity of the different branches of the royal family." He began with warm encomiums on the many public and private virtues of the two princes; and observed, what a disgrace and reproach it was to the nation, to permit their royal highnesses to live in a state much below that maintained by several private gentlemen; a circumstance extremely unbecoming the dignity of personages of their rank; that nothing could convey a stronger appearance of national disgrace, than to have the first prince of the blood, the sovereign's next brother, a fugitive, or a kind of pensionary at Rome, not from any extravagance of his own, but merely from the extreme scantiness of his income, which was known to be inferior to that of several private gentlemen in both kingdoms; nay, he believed inferior to the regular receipts and profits of many persons concerned in trade and commerce. The peculiar hardships and sufferings of the royal brothers became still more exaggerated, and were rendered more irksome and mortifying, when they were contrasted with the enormous sums granted for the support of the dignity and splendour of the crown, while both were tarnished and disgraced, and the money thus generously given employed in purposes of corruption, and squandered away on the most worthless, to a degree of profusion, unknown to any civilized state in Europe. The royal duke, now at Rome for the reason now assigned, is in the line of succession to the crown, and has had a child born in that capital, and living, who may possibly sit on the throne of these realms. I will allow that such an event is not very probable; but it is sufficient for my purpose to contend, that it may happen. What, then, would be the consequence? But that you must of course be governed by a prince not only born, but educated at Rome. He flattered himself that he had been uniform in the whole course of his parliamentary conduct; that he liked to speak his sentiments freely and openly; for that truth being his object, he always pursued it to the best of his knowledge. He was liable to error and mistake, but he liked candour and steadiness of conduct so well in others, that he should endeavour to practise it himself. He admired it even in a warm opponent, a person whose political sentiments were known to be so directly opposite to his; the person he meant was the right hon. gentleman on the floor, (Mr. Rigby) who, he observed, since he first knew him, always spoke without reserve, and seldom changed his party or his opinions. He said, he was furnished with a strong argument in support of the present motion, by the very persons who constituted the constant majorities of that House. They must agree with him, because they maintained it in debate, on a former occasion, that the necessaries of life were greatly enhanced in their value; that the prevailing fashion of the times, was to live in an increased state

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of luxury, elegance, and splendour; that such an inevitable increase of expenditure called for a suitable increase of income; that at no time within his memory, nor that of any member then present, was the income of the royal dukes sufficient to maintain their rank, nor at all adequate to the most moderate and measured economy; and that the parallel held throughout, for if the increase of the Civil List revenue was necessary for the splendour and dignity of the crown, a suitable support for those who were so nearly related to it, formed a part of that very dignity and splendour. None could say that either were maintained, if the King's brothers were doomed to suffer a kind of banishment, in a state of poverty and obscurity, because they were not enabled by the crown or the nation to live according to their rank in their native country. He finally observed, that the application now made to the throne was by no means unprecedented; that such addresses had been frequent, and succeeded in more instances than one; particularly in respect of the late prince of Wales, father of his present Majesty, and the two royal brothers, who are the objects of the motion.

Sir *Edward Astley* seconded the motion, observing, that the argument of similarity and relation, so judiciously urged by his hon. friend, were unanswerable. The gentlemen on the other side must agree fully to it in all its parts. The expences of living are increased; the means of support must keep pace with it, say those gentlemen. The dignity and splendour of the crown, from these circumstances, call for such an augmentation. Is not this every thing that the warmest friends of the motion would wish to urge in its support; unless at the same time they will have the hardiness to contend, that the royal dukes stand in a different predicament from every other person in the kingdom; and hazard still a greater paradox, by saying, that the necessities and the humble, unprincely situations of the royal brothers, bear no affinity to the splendour of the crown, or the dignity of the nation?

Sir *J. G. Griffin*, after objecting to the propriety of the motion, and urging the difficulty of discussing a subject of so delicate a complexion, involving in it the King and his royal brothers, proposed the previous question.

Sir *George Howard* said, it was much more decent to let the King exercise his own discretion, than to dictate to him concerning the disposal of what was his own property, as much as that possessed by any member of that House. In another light too, it was more proper to let the King, after he had been for some time in the possession of his newly augmented revenue, judge whether he could with propriety, by accidental savings, increase the incomes of his royal brothers. On the whole, if the present motion was to have any effect, in his opinion it would be that of increasing parliamentary grants, and the public burdens already become enormous.

Governor *Johnstone* contended, that there was nothing improper or unseasonable in the motion; that the average expenditure of the crown, for the last eight years, was full 20,000*l.* per annum under the Civil List revenue; that the minister promised very considerable savings in all the departments; and that, consequently, it was fair to contend, that the motion was both reasonable and seasonable; and as to the propriety of the terms in which it was conceived, they were the same as those made use of by the late celebrated Mr. Pulteney, on a similar occasion.

Mr. *Rigby* opposed the motion in the most strenuous terms. He said, he had as high a respect for the royal dukes as any individual in that House, but, in his opinion, the motion would, if carried, have a most ludicrous, or rather ridiculous effect; it would be granting a sum of money to his Majesty for his own particular purposes, and in the same breath almost desiring him to apply it to different purposes. It was mere child's play, giving a thing in one instant, and demanding it the next, in order to bestow it on another. He then turned with vehemence towards the chair, and arraigned the conduct of the Speaker with great acrimony. He said, that though our burdens were heavy, and our expences immense, our situation had been grossly misrepresented in a place, and in the presence of those, where nothing but truth should be heard. That the sentiments declared at the bar of the other House to be those of this, were never so much as thought of here; that the Commons of this kingdom knew better; that for one, he totally disclaimed them; and he was certain that a very great majority of that House did so too. He trusted, that before the House rose, it would be proved whether the House thought with the Chair, or with him, whose sentiments, he said, were directly contrary to those delivered in the name of that House at the bar of the

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House of Lords, on Wednesday last. He then resumed his argument, and observed, that that heroic prince, the late duke of Cumberland, though his royal father's peculiar favourite, had no more than 15,000*l.* per annum, till after the battle of Culloden, when his income was augmented, for his very eminent public services; not out of the Civil List revenue, but immediately by the bounty of parliament, who settled an annuity of 25,000*l.* on him for life. He repaid the compliments paid him by the hon. gentleman who made the motion; and hoped he should always persevere in the same steady line of conduct to the end. Whether he acted right or not, he was conscious he always intended it. As to the comparative income of the two royal dukes, to that of several lords in this kingdom, he allowed, with him, that it was considerably less than several. There were many rich lords, and many rich commoners. Would the hon. gentleman, for instance, wish that his Majesty should augment the royal dukes' income, so as to be equal to the estate possessed by the hon. gentleman himself? If he would, then most certainly he must allow, that such an augmentation would lay a ground for another application to parliament from the throne.

Mr. *Fox* said, he thought the motion was right, proper, and seasonable; right, that those who were so nearly allied to the crown should have part of the public munificence, intended to promote every thing which might add to its splendour and dignity; proper, because no persons were more competent to judge of the disposal of money than those who granted it; and seasonable, because no time could be better to urge the crown on such a subject, than when the sense of its own necessities, and the generous conduct of parliament, might promise to make a favourable and grateful impression. He dwelt on the increased price of provisions, and the comparative value of money now, and during even the last reign; and observed, that though this argument was much relied on in support of the augmentation of the Civil List revenue, it applied much stronger in the present case, because the increased value of the necessaries and conveniencies of life had a much stronger comparative operation; he believed, in the proportion of full three to one, on an income almost totally expended in those uses, than on a revenue, the greater part of which was issued in round sums, with which neither the splendour, dignity, nor immediate expences of the crown were at all concerned: this he instanced in the several heads of salaries, pensions, secret service money, ambassadors, &c. He then stated several general reasons in support of the motion, such as the increase of salary to the judges, the overplus between the real expenditure for the eight last years, and the necessity there was to enable the royal dukes to support their high rank, both as peers of the first order, and as being so nearly allied to the throne. He said, it had been always the policy of this country, to make a suitable provision for the different branches of the royal family; it rendered them independent of ministers; and bound them by interest and sentiment to preserve that constitution under which they enjoyed such pre-eminent and solid advantages. On the other hand, a royal family, in narrow and dependent circumstances, are compelled to look up to the throne for protection and support; and from the very nature of their situation, are liable to become the instruments of the crown in forging chains for their country. This, he was certain, was at present entirely out of the case; the King was as averse to employing them in effecting purposes so far from his heart, as they would be to comply with them, had he entertained sentiments of a different kind. He concluded by observing, that there were many public and private reasons for wishing to see every branch of the royal family happy and easy in their domestic circumstances.

Mr. *Wilkes* said, he stood up in his place, as an individual, to avow that the bounty of parliament exceeded, by several thousand pounds, the accounts delivered in; and he hoped that a proper addition, in consideration of that surplus over what the King's wants were stated to be, might be made to the income of the royal dukes. Full of these sentiments, he should most heartily concur in the motion.

The previous question was then put, and the House divided. The Noes went forth:

Tellers.

Yeas	Sir James Lowther Captain Johnstone	-	43
Noes	Sir John Griffin Griffin Sir George Howard	-	152

So it passed in the negative.

While the majority were in the lobby during the division, silence was enjoined, and lord North, in an audible voice, gave notice, that other business of consequence was to come on after the division, and,

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said he, "You are therefore requested not to go home."

DEBATE IN THE COMMONS ON MR. SPEAKER NORTON'S SPEECH TO THE KING ON PRESENTING THE BILL FOR THE BETTER SUPPORT OF HIS MAJESTY'S HOUSEHOLD.*] As soon as the preceding question was determined,

The *Speaker* rose in his place, and begged leave to draw the attention and recollection of the House, to what had fallen in the course of the debate from the right hon. gentleman on the floor, (Mr. Rigby). Previous, however, to his taking any particular notice of the censure that right hon. gentleman had passed on his conduct as Speaker of that House, he begged that his Speech to his Majesty at the bar of the House of Lords, on Wednesday last, might be first read by the clerk: and the same being read accordingly (see p. 213.) he then appealed to the Journals for the Vote of Thanks, which followed on his return, to shew, that the sentiments which he expressed to his Majesty, when he presented the Bill for the better support of his Majesty's household, were the sentiments of the House, and not his own particular sentiments, as had been asserted by the last-mentioned right hon. gentleman. While the Speaker was yet on his legs, up rose

Mr. *Rigby*, who adhering to what had fallen from him in the former debate, spoke of the Chair in terms very nearly bordering on disrespect. He insisted that he had a right to animadvert on the Speaker's Speech, or on his conduct, within or without that House, if he thought it improper. He was certain the Speech now read did not convey his sentiments, whatever it might those of the 281 who voted for the augmentation of the King's Civil List. He said he had a right to appeal to the Chair, and from the Chair, and would never be intimidated, or led by any inducement, to forfeit the privileges of a British senator. The Speaker was no more than another member, and he was as free to differ from the Chair as from any other individual in that House. He proceeded to great heat, which seemed to make the Treasury bench uneasy.

Mr. *Fox* replied to the right hon. gentleman, and observed, that he had brought the matter to a direct decision; that was, he had rendered it necessary for the Speaker to seek the sense of the House, as the charge was open and direct. The Speaker had either misrepresented the sense of the House, or he had not; as an individual, he had disclaimed the sentiments of the Speaker, as far as the same respected himself; and had plainly hinted that it was the opinion of a majority present: it was coming to the point at once, and bringing the matter to a fair issue. For his part, he suspected the Speaker did not deliver the sentiments of the majority, though it was plain he did the sense of the House; because he was immediately thanked on his return, *nem. con.* as appeared by the Journals. The question, then, which remained to be decided, was,

* "When the Speaker presents a Bill in the course of the session, in the delivering of which he thinks proper to make a Speech to the throne, the House of Commons, on their return, have sometimes come to a resolution to desire the Speaker to print his Speech; as they did on the 2nd of December 1761, when sir John Cust presented the Bill for settling a jointure on the Queen*; and on the 7th of May, 1777, when sir Fletcher Norton presented the Bill for the additional sum to his Majesty's Civil List; and on the 26th of May 1786, when Mr. Cornwall presented the Bill for establishing a fund for the discharge of the National Debt; and these Speeches are then entered on the Journals. As the Speaker receives no instructions upon what particular topics, or in what manner, he shall express himself upon these occasions, it may happen that he may, in the name of the House of Commons, whose mouth he is, declare sentiments, which, though they coincide with the opinions of one part of the House, are entirely contrary to those of another part. This was the case in the Speech of sir Fletcher Norton, on the 7th of May 1777: for, in a debate on the 9th of May, some allusions being made to this Speech, as if the Speaker had used expressions to the throne which he was not authorized to use as the sense of the House of Commons, the Speaker immediately called the attention of the House to the subject, and desired a copy of his printed Speech might be read; and then demanded the judgment of the House, whether what he had said was liable to this objection. The House, by a question put, declared, 'That Mr. Speaker did, upon that occasion, 'express, with just and proper energy, the 'zeal of this House for the support of the 'honour and dignity of the crown, in circum-'stances of great public charge.' Under these difficulties, therefore, the Speaker can only, upon such occasions, endeavour to express what he conceives to have been the intention of the majority of the House, and the principles upon which they appear to him to have passed the Bill." Hatsell's Precedents, vol. 3, p. 146.

* See vol. 15, p. 1152.

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Whether the Speaker had done his duty? The truth, he believed, was, that the court thought he had exceeded it, by their so highly disapproving of the speech. He was resolved, however, to take the sense of the House by motion, which, if negatived, in his opinion, the Speaker could sit no longer in that chair with reputation to himself, or be further serviceable in his station, after having been publicly deserted, bullied, and disgraced. He then made the following motion:

"That the Speaker of this House, in his Speech to his Majesty, at the bar of the House of Peers, on Wednesday last, and which was desired *nemine contradicente*, by this House, to be printed, did express, with just and proper energy, the zeal of this House, for the support of the honour and dignity of the crown, in circumstances of great public charge."

The *Speaker* assured the House, that he meant to deliver nothing but their sentiments. He thought he was justified in what he said, considering the time, the occasion, and the various current circumstances which combined to stamp what he offered with peculiar propriety. Conceiving, therefore, that he had discharged his duty, and that the same had been afterwards publicly approved of, he could not think of remaining in a situation where he could be no longer serviceable; which must be certainly the case, if the present motion should be rejected.

Mr. *De Grey* did not approve of the word *wants*, in the speech. He said, such an expression was disrespectful to the sovereign; and, in his opinion, the whole speech conveyed a very improper idea to foreign powers in particular, who, presuming on its contents, might be tempted to disturb the public tranquillity.

The *Speaker* replied, that he thought he did not make use of the word *wants*, as it could mean nothing. As to what effect his speech might have in foreign courts, or any other political consequence which might arise from it, he never considered. He wished to express the sense of the House; he imagined he had done so; and he could never think of sitting longer in that chair, than while he was in the exercise of his duty.

Mr. *Welbore Ellis* said, he presumed the Speaker delivered his own sentiments with great candour and sincerity; and in so doing, in his opinion, he acted a very commendable part. But as probably he spoke without notes, and might have dropped a word or expression without any intention, he wished that the motion might be withdrawn, and the affair be thus terminated; for it was pretty evident, that though the Speaker might imagine he was delivering the sentiments of the House, from hurry and inadvertency, it was possible, he might not even have delivered his own. He recommended warmly to the Speaker, and the friends of the motion, that the matter might be ended without bringing it to a question.

The *Speaker* said, he understood that great pains had been taken without doors to represent his Speech as not conveying the sense of the House. For his part, if he erred, he did not err intentionally; he meant to convey the opinion of the House, and looked upon himself fully justified both in point of fact and precedent. If he misrepresented what he meant faithfully to convey, he trusted the House would excuse him. He knew such addresses to the throne had been frequent; he was sure they were proper. He said, he thought it incumbent on him to let his Majesty know what was the sense of the House; and, in so doing, imagined he was acting in the faithful discharge of the trust committed to him: if the House thought otherwise, he could not, nor would not, remain in that chair.

Mr. *Dunning* said, the dignity of the House was gone, if the Chair was permitted to be degraded. It was plain the blow was ultimately aimed at the House through the Chair; and that the present was an experiment, made purely with a view to see to what a pitch of humiliation and disgrace the House would bear to be humbled and let down. It was, in fact, an attempt of a court faction, to render the representatives of the people despicable, as well as detestable, in the eyes of their constituents.

Mr. Attorney General *Thurlow* entered into a kind of dissection of the Speech. He insisted, that it neither contained the sentiments of the House, nor was it strictly supported by fact; for, "the large present supply, &c. great beyond his Majesty's highest wants, &c." did not exceed 14,000*l.* which was represented in the speech to be "a very great additional revenue." The great stress laid on the overplus might have been better spared, as it would have been extremely mean, when they were voting the augmentation, to withhold the difference between the expenditure and the grant. He contended,

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that the Speaker spoke his own sentiments, not those of the House. He mentioned the word *wants*, and recommended, that the affair might go no farther, but that the motion might be withdrawn.

Mr. *Fox* spoke in justification of his motion. He said, the right hon. gentleman (Mr. Ellis) had given, what he should call the watch-word; which had been followed by the Attorney General. He observed, that those gentlemen had founded their argument for withdrawing the motion chiefly on the speech not being the sentiments of the House; whereas the contrary was the fact, and the Journals gave evidence of it. But, however, if those gentlemen and their friends thought differently, as the framer of the motion, he was ready to come to issue on that point with them, and doubted not but he should prevail. He was satisfied that the House would never consent to their own degradation and disgrace in the person of their Speaker, nor would ever submit to contradict on a Friday, what they had approved on the Wednesday immediately preceding. He said, among the many censures, and more numerous insinuations, thrown out against the Speech, it was said not to be grammar. He should not enter into nice grammatical distinctions, or trouble himself or the House about a choice of words, or elegancies of expression; but he was sure, if the Speech was not grammar, it abounded in good sense, which was of infinitely greater value, and conveyed the true, unbiassed sense of the House, and of every man on either side, till he was bought over to a sacrifice of his principles and conscience.

Mr. *Rigby* still adhered to his former opinion, and justified his conduct on his right to deliver his sentiments freely on every subject arising in that House, or out of it, if it was a matter properly cognizable there; but he disclaimed the least intention of making any personal reflection on the Chair; and moved "that the House do now adjourn."

Governor *Johnstone* observed, that the right hon. gentleman who spoke last had somewhat lowered his tone. He thanked the Speaker for his speech, and applauded his firmness, in not accepting of any compromise short of immediate reparation, notwithstanding the threats and soothings that had been alternately held out and employed to induce him to recede, and by so doing, sacrifice the dignity of that House, and his own honour, to the desires of those who seemed solicitous to treat both with illiberality and contempt. He said, that the Speech was not only justifiable in point of fact, but might have gone to greater lengths, without incurring any just grounds for censure. However confident some of the gentlemen who spoke latterly in the debate might be, that this country was in a flourishing and prosperous condition, he begged leave to differ from them; the contrary would, nay, must inevitably be the case, if the American war should continue another campaign. It was, therefore, well said in the Speech, that the nation was "labouring under burthens almost too heavy to be borne," and perfectly right, as applied personally to the King, to remind his Majesty of the true state of this country, and the generous efforts of parliament to relieve him in such a season, as the most powerful recommendation in future to frugality in the expenditure, and œconomy in the management of the bounty they were then conferring on him. He contended, that the situation of this country was truly dreadful; that America was lost, he feared, beyond the power of recovery; nay, he might venture to say, was irretrievably lost; and called upon any, the most confident, on the other side of the House, to rise and contradict him.

Lord *Ongley* objected to the Speech, chiefly on account of the word *wants*; he insisted it was the Speaker's own sentiments: that perhaps he spoke what he felt himself, but he was satisfied they were not the sentiments of the House. He was totally of a different opinion from the hon. gentleman who spoke last. He was satisfied the nation was great and powerful, and abounded in such resources as would render her a match for all her foreign and domestic enemies, whether in America or Europe; and that her situation was such in every respect, as to forbid her to make any concession unbecoming her dignity, or short of her constitutional supreme rights over all the dominions of the British crown.

Sir *George Savile* said, he must condemn in the severest terms the indecent and unparliamentary language which he had heard for the first time, since his entrance into parliament. He was witty on the logic employed by the opposers of the motion, who argued through the whole course of the evening that the Speech was not the sense of the House, because the House had the very day it was spoken de-

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clared their most warm and hearty approbation of it. This might be a ministerial way of drawing conclusions; perhaps experience had long since taught them, that the sense of the House, as declared by a majority, was not its genuine sense; but the very contrary of what it would have been, were the members who composed it at liberty to give their suffrages according to their judgment and consciences, and not according to their interest.

Mr. Alderman *Sawbridge* observed, that some of the leading members on the other side wished to have the matter smuggled; but if that should be the case, and the question for adjournment should be carried, he did not see how the Speaker could occupy that chair a moment longer with propriety or reputation. He said, that the hon. gentleman near him on the floor (Mr. Fox) was perfectly right in observing, that the Speech contained the sentiments of the whole House, if the individuals who composed it had not been bought over to adopt those of other people. He was satisfied that this was not only a general truth, but was supported by particular facts. He was certain that many attempts had been made to bring over gentlemen of parts on his side of the House, and to cause a defection among them from the true interests of their country. It might be easily imagined from what he said, that he did not mean himself, for he was not worth gaining. As to the others, though it had been the fashion to brand all opposition with factious and interested motives, he presumed, a stronger instance of the contrary could not be given, than that they withstood every offer that had been made. It was their integrity that kept them on that side of the House, not any desire of thwarting or embarrassing government, merely for the pleasure of doing so. The idea was preposterous, and though it happened to be the case in some instances, where, he was sorry to say, the persons tampered with, had not the resolution to withstand the temptations, but had fallen; that circumstance, in his opinion, reflected the higher honour on those who remained behind firm and incorruptible.

Sir *George Yonge* said, if the motion of adjournment was carried, it would not be safe for the Speaker to remain an instant longer in his present situation; that he would on all future occasions lie at the mercy of his enemies, and be liable to disgrace whenever he performed his duty, if the faithful discharge of it happened to contradict the opinions of those who were able to command a majority in that House. The effect of an adjournment would be a negative on the motion of approbation, and would virtually charge the Chair with delivering a falshood at the bar of the other House, and of course imparting his own sentiments as the genuine sentiments of the body he was supposed faithfully to represent; which, in fact, if true, was an offence of a very heinous nature. He therefore trusted, that the Speaker would not recede, but would persevere with a spirit and firmness suitable to the important seat he occupied.

Mr. Solicitor General *Wedderburn* said, he wished the affair might be suffered to pass off without taking the sense of the House upon it.

Mr. *Rigby* said, if it was the sense of the House, he was ready to consent that the motion of adjournment should be withdrawn. He had no intention of driving the Speaker from the chair; nor, if he were ever so desirous so to do, was he of power or consequence enough to effect it. He maintained the right of private opinion, and freedom of speech; he meant no more from the beginning; and, as a member of that House, in so doing, he presumed, he had not exceeded his duty.

The motion of adjournment was then withdrawn, and the question being put on Mr. Fox's motion, it was carried without a division, almost unanimously.

As soon as the motion was carried, Mr. Serjeant Adair moved, "That the Thanks of this House be returned to Mr. Speaker for his said Speech to his Majesty," which was likewise agreed to.

Debate in the Commons on the Bill for the better Securing Dock Yards, &c.] May 13. The House went into a Committee on a Bill "for the better securing and preserving the dock-yards, magazines, ships, vessels, stores, warehouses, goods, and merchandizes, being the property of private persons within the kingdom of Great Britain."

Sir *Charles Bunbury* moved to fill up the blank with the words "benefit of clergy."

Mr. *Combe*. Whoever reads your statute book, and sees how many crimes are punished with death, which are much less heinous than burning of ships, I am surprized any gentleman should not think it high time to put to death such dangerous

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incendiaries. It is true, John the Painter was hanged for burning Portsmouth dock, because there is an act of parliament that makes it death to burn royal docks; but there is no act of parliament to hang men for burning merchant ships or warehouses; for if John the Painter had burnt all the ships and warehouses in Bristol, he would not have been hanged; and I must think the example of death full as proper in one case as in the other.

Sir *William Meredith.* I agree with my hon. friend, that no greater crime can be committed than the wilful setting fire to merchant ships, which may endanger not only lives and property, but public safety. I should think this crime, above all others, fit to be punished with death, if I could suppose the infliction of death at all useful in the prevention of crimes. But, in subjects of this nature, we are to consider, not what the individual is, nor what he may have done; but only what is right for public example and private safety.

Whether hanging ever did, or can, answer any good purpose, I doubt: but the cruel exhibition of every execution-day is a proof that hanging carries no terror with it. And I am confident, that every new sanguinary law operates as an encouragement to commit capital offences; for, it is not the mode, but the certainty of punishment, that creates terror. What men know they must endure, they fear; what they think they can escape, they despise. The multiplicity of our hanging laws has produced these two things: frequency of condemnation, and frequent pardons. As hope is the first and greatest spring of action, if it was so, that out of twenty convicts one only was to be pardoned, the thief would say, "Why may not I be that one?" But since, as our laws are actually administered, not one in twenty is executed, the thief acts on the chance of twenty to one in his favour; he acts on a fair and reasonable presumption of indemnity; and I verily believe, that the confident hope of indemnity is the cause of nineteen in twenty robberies that are committed.

But, if we look to the executions themselves, what example do they give? The thief dies either hardened or penitent. We are not to consider such reflections as occur to reasonable and good men, but such impressions as are made on the thoughtless, the desperate, and the wicked. These men look on the hardened villain with envy and admiration. All that animation and contempt of death with which heroes and martyrs inspire good men in a good cause, the abandoned villain feels in seeing a desperado like himself meet death with intrepidity. The penitent thief, on the other hand, often makes the sober villain think this way. Himself oppressed with poverty and want, he sees a man die with that penitence which promises pardon for his sins here, and happiness hereafter; straight he thinks, that by robbery, forgery, or murder, he can relieve all his wants; and if he be brought to justice, the punishment will be short and trifling, and the reward eternal. Even in crimes which are seldom or never pardoned, death is no prevention. House-breakers, forgers, and coiners, are sure to be hanged; yet house-breaking, forgery, and coining, are the very crimes which are oftenest committed.

Strange it is, that in the case of blood, of which we ought to be most tender, we should still go on against reason and against experience, to make unavailing slaughter of our fellow creatures. A recent event has proved, that policy will do what blood cannot do. I mean the late regulation of the coinage. Thirty years together men were continually hanged for coining, still it went on, but on the new regulation of the gold coin, ceased. This event proves these two things; the efficacy of police, and the inefficacy of hanging. But, is it not very extraordinary, that since the regulation of the gold coin, an Act has passed, making it treason to coin silver. But has it stopped the coining of silver? On the contrary, do not you hear of it more than ever? It seems as if the law and the crime bore the same date. I do not know what the hon. member thinks who brought in the Bill; but perhaps some feelings may come across his own mind, when he sees how many lives he is taking away for no purpose. Had it been fairly stated, and specifically pointed out, what the mischief of coining silver in the utmost extent is, that hanging Bill might not have been so readily adopted; under the name of treason it found an easy passage. I, indeed, have always understood treason to be nothing less than some act or conspiracy against the life or honour of the king, and the safety of the state; but what the king or state can suffer by my taking now and then a bad sixpence, or a bad shilling, I cannot imagine. By this nick-name of treason, however, there lies at this moment in Newgate, under sentence to be burnt alive, a girl just turned of 14; at her master's bidding

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she hid some white-washed farthings behind her stays, on which the jury found her guilty as an accomplice with her master in the treason. The master was hanged last Wednesday; and the faggots all lay ready, no reprieve came till just as the cart was setting out, and the girl would have been burnt alive on the same day, had it not been for the humane but casual interference of lord Weymouth. Good God! Sir, are we taught to execrate the fires of Smithfield, and are we lighting them now to burn a poor harmless child for hiding a white-washed farthing? And yet, this barbarous sentence, which ought to make men shudder at the thought of shedding blood for such trivial causes, is brought as a reason for more hanging and burning. It was recommended to me not many days ago, to bring in a Bill to make it treason to coin copper as well as gold and silver. Yet, in the formation of these sanguinary laws, humanity, religion, and policy, are thrown out of the question. This one wise argument is always sufficient: If you hang for one fault, why not for another? If for stealing a sheep, why not a cow or a horse? If for a shilling, why not for a handkerchief that is worth eighteen pence, and so on? We therefore ought to oppose the increase of these new laws; the more, because every fresh one begets twenty others.

When a member of parliament brings in a new hanging law, he begins with mentioning some injury that may be done to private property, for which a man is not yet liable to be hanged, and then proposes the gallows as the specific, infallible means of cure and prevention; but the Bill in its progress often makes crimes capital, that scarce deserve whipping. For instance, the Shop-lifting Act was to prevent bankers and silversmiths, and other shops, where there are commonly goods of great value, from being robbed; but it goes so far, as to make it death to lift any thing off a counter with an intent to steal. Under this Act, one Mary Jones was executed, whose case I shall just mention: it was at the time when press warrants were issued on the alarm about Falkland's Islands. The woman's husband was pressed, their goods seized for some debts of his, and she, with two small children, turned into the streets a-begging. It is a circumstance not to be forgotten, that she was very young, (under 19) and most remarkably handsome. She went to a linen-draper's shop, took some coarse linen off the counter, and slipped it under her cloak; the shopman saw her, and she laid it down: for this she was hanged. Her defence was, (I have the trial in my pocket) "That she had lived in credit, and wanted for nothing, till a press-gang came and stole her husband from her; but, since then, she had no bed to lie on; nothing to give her children to eat; and they were almost naked; and perhaps she might have done something wrong, for she hardly knew what she did." The parish officers testified the truth of this story; but, it seems, there had been a good deal of shop-lifting about Ludgate; an example was thought necessary, and this woman was hanged for the comfort and satisfaction of some shopkeepers in Ludgate-street. When brought to receive sentence, she behaved in such a frantic manner, as proved her mind to be in a distracted and desponding state; and the child was sucking at her breast when she set out for Tyburn.

Let us reflect a little on this woman's fate. The poet says,

"An honest man's the noblest work of God."

He might have said with equal truth, that

"A beauteous woman's the noblest work of God."

But for what cause was God's creation robbed of this its noblest work? It was for no injury; but for a mere attempt to clothe two naked children by unlawful means. Compare this, with what the state did, and with what the law did. The state bereaved the woman of her husband, and the children of a father, who was all their support; the law deprived the woman of her life, and the children of their remaining parent, exposing them to every danger, insult, and merciless treatment, that destitute and helpless orphans suffer. Take all the circumstances together, I do not believe that a fouler murder was ever committed against law, than the murder of this woman by law. Some who hear me, are perhaps blaming the judges, the jury, and the hangman; but neither the judge, jury nor hangman are to blame: they are but ministerial agents; the true hangman is the member of parliament; he who frames the bloody law is answerable for all the blood that is shed under it. But there is a further consideration still. Dying as these unhappy wretches often do, who knows what their future lot may be! Perhaps, my hon. friend who moves this Bill, has not yet con-

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sidered himself in the light of an executioner; no man has more humanity, no man a stronger sense of religion than himself; and I verily believe, that at this moment he wishes as little success to his hanging law as I do. His nature must recoil at making himself the cause, not only of shedding the blood, but perhaps destroying the soul of his fellow-creature.

But the wretches who die are not the only sufferers; there are more and greater objects of compassion still: I mean the surviving relations and friends. Who knows how many innocent children we may be dooming to ignominy and wretchedness? Who knows how many widows hearts we may break with grief, how many grey hairs of parents we may bring with sorrow to the grave? The Mosaic law ordained, that for a sheep or an ox, four and five fold should be restored; and for robbing a house, double; that is, one fold for reparation, the rest for example; and the forfeiture was greater, as the property was more exposed. If the thief came by night it was lawful to kill him; but, if he came by day, he was only to make restitution; and if he had nothing, he was to be sold for his theft. This is all that God required in felonies; nor can I find in history any sample of such laws as ours, except a code that was framed at Athens by Draco. He made every offence capita, upon this modern way of reasoning, "That petty crimes deserved death, and he knew nothing worse for the greatest." His laws, it was said, were written not with ink, but with blood; but they were of short duration, being all repealed by Solon—except one for murder.

An attempt was made some years ago by an hon. friend of mine to repeal some of the most absurd and cruel of our capital laws. The Bill passed this House, but was rejected by the Lords, for this reason, "It was an innovation, they said, and subversion of law." The very reverse is truth. These hanging laws are themselves innovations. No less than three and thirty of them passed during the last reign. I believe, I myself was the first person who checked the progress of them. When the great Alfred came to the throne, he found the kingdom over-run with robbers; but the silly expedient of hanging never came into his head: he instituted a police, which was to make every township answerable for the felonies committed in it. Thus property became the guardian of property; and all robbery was so effectually stopped, that (the historians tell us) in a very short time a man might travel through the kingdom unarmed with his purse in his hand.

Treason, murder, rape, and burning a dwelling-house, were all the crimes that were liable to be punished with death by our good old common law. And such was the tenderness, such the reluctance to shed blood, that if recompence could possibly be made, life was not to be touched. Treason being against the king, the remission of that crime was in the crown. In case of murder itself, if compensation could be made, the next of kin might discharge the prosecution, which, if once discharged, could never be revived. If a ravisher could make the injured woman satisfaction, the law had no power over him; she might marry the man under the gallows, if she pleased, and take him from the jaws of death to the lips of matrimony. But so fatally are we deviated from the benignity of our ancient laws, that there is now under sentence of death an unfortunate clergyman (Dr. Dodd) who made satisfaction for the injury he attempted; the satisfaction was accepted; and yet the acceptance of the satisfaction and the prosecution bear the same date.

There does not occur to my thoughts a proposition more abhorrent from nature, and from reason, than that in a matter of property, when restitution is made, blood should still be required. But in regard to our whole system of criminal law, and much more to our habits of thinking and reasoning upon it, there is a sentence of the great Roman orator, which I wish those who hear me to remark; exhorting the senate to put a stop to executions, he says, "Nolite, quirites, hanc sævitiam diutius pati, quæ non modo tot cives atrocissimè sustulit, sed humanitatem ipsam ademit consuetudine incommoderum."

Having said so much on the general principles of our Criminal Laws, I have only a short word or two to add, on the two propositions now before us. One, as moved by the honourable gentleman (Mr. Combe) to hang persons that wilfully set fire to ships; the other, moved as an amendment by my hon. friend (sir Charles Bunbury) is to send such offenders to work seven years on the Thames.

The question arises from the alarming events of the late fires at Portsmouth and Bristol; for which the incendiary is put to death. But, will an act of parliament prevent such men as John the Painter

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from coming into the world, or controul them when they are in it? You might as well bring in a Bill to prevent the appearance, or regulate the motions, of a comet. John the Painter was so far from fearing death, that he courted it; was so far from concealing his act, that he told full as much as was true, to his own conviction. When once a villain turns enthusiast, he is above all law. Punishment is his reward, and death his glory. But, though this law will be useless against villains, it is dangerous, and may be fatal to many an innocent person. There is not an honest industrious carpenter or sailor, who may not be endangered in the course of his daily labour; they are constantly using fire and combustible matter about shipping, tarring and pitching, and calking; accidents are continually happening; and who knows how many of those accidents may be attributed to design? Indeed, the Act says, the firing must be done "wilfully and maliciously;" but judges and juries do not always distinguish right betwixt the fact and the intention. It is the province of a jury only to try the fact by the intention; but they are too apt to judge of the intention by the fact. Justices of peace, however, are not famed for accurate and nice distinctions; and all the horrors of an ignominious death would be too much to threaten every honest ship-wright with, for what may happen in the necessary work of his calling.

But, as I think punishment necessary for so heinous an offence, and, as the end of all punishment is example; of the two modes of punishment I shall prefer that which is most profitable in point of example. Allowing, then, the punishment of death its utmost force, it is only short and momentary; that of labour permanent; and so much example is gained in him who is reserved for labour, more than in him who is put to death, as there are hours in the life of the one, beyond the short moment of the other's death.

Mr. *Henry Dundas* spoke against the motion.

The question was put: for the words 10; against them 39; the Bill was ordered to be reported, but it was afterwards dropped.

Debate in the Commons on the Budget.] May 14. Lord *North* rose. His lordship observed, that the expences of the American war were great, but they were necessary, and would of course require a suitable provision. The arts of designing men had wrought upon our subjects in that country, to throw off her constitutional dependency on this, and to resist our lawful authority, by an appeal to arms. Government had taken every step which was likely to recall the colonists to a proper sense of the duty they owed to the mother-country. Lenient measures had, however, an effect very different from what might reasonably be expected; our moderation only increased their insolence; our tenderness their disobedience; and what arose from sentiments the most indulgent and affectionate on our part, was interpreted to spring from motives which never existed. Our moderation was looked upon to have proceeded from timidity, and our reluctance to coercion to an inability to support our just authority. The avowal of independence cleared up what had been hitherto deeply involved in obscurity; and that in such a manner, and accompanied with such striking circumstances, as to afford reasonable expectations, that from that instant there would but two descriptions of men exist in this country; such as would be for exerting the whole strength of this country in support of its legislative authority, and such, as looking upon the task attended with great expence and difficulty, might think it better to withdraw our care and protection entirely. These expectations, however rational, did not turn out as might be expected; for the very persons who think America of the utmost importance to the strength and national dignity of Great Britain, nevertheless contend, that the surest means of recovering it, is to abandon our rights, by way of insuring them. The other description of men, who might think the recovery of America not worth the trouble, and expence, were so inconsiderable in point of number, that he mentioned them merely for form sake; so that he might, stating the exception of the two descriptions just mentioned, justly affirm, that there was a very great majority of the nation at large, who were for prosecuting the war against our rebellious subjects in America, till they should acknowledge the legislative supremacy of parliament, or be compelled to it. His lordship then observed, that from a variety of concurrent circumstances, nothing decisive had been attempted till late in the course of the last summer, when, considering that the time for carrying on military operations had been far advanced, our arms effected as much as the most

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sanguine expectations could have formed. So matters stood at the close of the campaign. We had now every reason to expect, that the present would effectually put an end to the distracted state of that country, by compelling the obstinate to a due submission to the laws, and by affording a protection to those, who, from compulsion, had been forced into measures they secretly abhorred. The expences of this just and necessary war were great, and the burdens consequent of such measures heavy; however, the propriety of them being acknowledged, it remained with government only to provide for those expences in such a manner, as to throw the weight as much as possible upon the opulent; or, in other words, to tax property instead of labour. In a commercial and manufacturing country, customs, excises, or taxes, which eventually affect the merchant or manufacturer, ought to be avoided; so ought all taxes of any kind, which are felt by the lower part of the community, either as raising the price of raw materials, or falling heavy upon articles of daily and necessary consumption. This could not always be the case, particularly in great operations of finance; because, when large sums are to be raised, they require suitable provisions, and must reach the body of the people, who are the great consumers; but in instances where the sums wanted will admit of it, the objects of taxation should ever be property and the luxuries of life. The taxes, therefore, which he meant to propose to the House, were to be laid strictly conformable to the system of taxation he had now explained. They would be productive taxes; they would fall on property, where that object was in contemplation; or upon what was generally understood to bear a direct relation to the luxuries of life.

His lordship then proceeded to state the different items granted in the committee of supply, under the respective heads of expenditure. He said, the expence of maintaining seamen, including 45,000 marines, was 2,340,000*l.* ordinary of navy, 400,805*l.* buildings, 465,500*l.* Greenwich hospital, 4,000*l.* navy bills paid off, 1,000,000*l.* in all 4,210,305*l.* Army in America, &c. 648,009*l.* staff in Great Britain, 11,470*l.* Hanoverians in Gibraltar, &c. 56,074*l.* Hanau troops, 18,000*l.* ditto Waldeck, 17,000*l.* do. Brunswick, 93,000*l.* Hessians, 336,000*l.* provisions for foreign troops, 41,000*l.* deficiencies ditto, 7,000*l.* artillery ditto, 48,000*l.* Chelsea hospital, 105,000*l.* half-pay to reduced officers, 93,000*l.* horse guards reduced, 1,000*l.* American extraordinaries, 1,200,000*l.* Hessian chasseurs, 36,000*l.* Hanau ditto, 16,000*l.* Anspach troops, 39,000*l.* deficiency, Hessian chasseurs, 3,000*l.* total expence of army, 3,773,000*l.* Ordnance, 320,000*l.* extra ditto 272,000*l.* in all, 592,000*l.* Miscellaneous services: Scotch roads and bridges, 7,000*l.* civil establishment in America and Africa, 27,000*l.* American surveys, 3,000*l.* German hospitals, 41,000*l.* sufferers in America, 33,000*l.* convicts on Thames, 1,800*l.* Commons addresses, 13,000*l.* expences advanced for inquiries relative to the state of the poor throughout England and Wales, 500*l.* in all, 144,000*l.* Exchequer bills discharged, 1,500,000*l.* vote of credit discharged, 1,000,000*l.* civil list arrears, 618.000*l.* prizes to be paid in lottery, 500,000*l.* grants 1776, 61,000*l.* three and a half per cent. 1758, 44,000*l.* land, 250,000*l.* malt, 200,000*l.* in all 558,000*l.* Total of supplies, including 56,990*l.* excess of ways and means, 12,592,534*l.* Before he proceeded to state the sum he intended to fund, he observed, that a tax upon servants was often strongly recommended, as those who kept them were always presumed to be proper objects of taxation; that the operation of the tax would have a double effect; respecting those in the high classes of life, it would be taxing a luxury, and one too of the first magnitude; and as to the middling people of all descriptions, it could not be very severely felt. It was designed to be a tax upon male servants. With such as kept two male servants, and all who kept a greater number, it might most certainly be deemed a luxury, which rose in proportion to the number. Some kept thirty or more male servants. Every one would readily agree, that men of that description might well afford to pay a guinea each. Descend downwards to the person who kept but two, the principle held good. If the tax should press hard upon any person of that description, all he had to do was to keep but one. There was but one plausible objection to the tax; and it was, that it would press hard upon great numbers of people who kept but one, and did not keep a second; persons who possessed but scanty incomes, &c. Even in that case, he doubted much whether the tax would be much felt. Few, indeed, kept a male servant who would have just reason to complain; there might be some excep-

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tions; but it was impossible for the mind of man to frame a general tax, that would not fall seemingly heavy upon some individuals. Besides, as the tax was expected to produce a large sum, and was taken in the ways and means accordingly, it would be very improper to make such exception, on purpose to relieve persons of that description from the tax; because it might, in fact, exonerate a very great number of persons that were well able to pay. For instance, those who kept but one servant would not only avoid the tax, but he that kept two, to avail himself of the exemption, might discharge one; and thus a very great number, much the greater who were to contribute to the tax, would be totally exempted. For these reasons, he would propose it to be a general tax; because it was intended to be productive, which it never could, if those who were to contribute so largely to it were to be exempted, in order to free a few individuals, who might not be proper objects of a tax, intended to be laid on luxury. Computing, therefore, that there were about 100,000 male servants in this country, liable to pay the tax at one guinea per annum, he should take it at that computation, which would produce 105,000*l.* He observed, that it was only designed to tax servants retained for luxury, not those employed in trade, manufactures, commerce, &c.

The next tax he proposed to lay, was an additional duty on all deeds and paper writings sealed. The shilling stamp laid on the 7th Geo. 2, produced 32,000*l.* the tax laid on the last year produced rather more; an additional tax, therefore, of 18*d.* would produce about 45,000*l.* He meant to extend it to certain transfers of property in the northern part of the kingdom, to surrenders of copyhold estates in England, which, at a very low computation, would produce 10,000*l.* per annum; so that the whole of the stamp duties would amount to 55,000*l.* He estimated those duties very low, for though there was an additional shilling laid upon deeds the preceding session, they produced an increasing revenue.

The duties laid on the materials used in the making of glass on importation was a very impolitic one, because it tended to encourage the foreign manufacture, and discourage our own. He should, therefore, move to have the duty upon importation repealed, to have additional duties, nearly equal to a prohibition, laid upon wrought or manufactured glass imported; which would, at least as far as the home consumption was concerned, give us the whole of the manufacture. It must be by the way of an excise; it was unavoidable; but when the smallness of the duty was considered, and the great advantages balanced against it, he trusted it would be found every way acceptable and beneficial. To effect this, he proposed to repeal the duties laid, by the 19th of the late king, on all materials or metals imported, and used in the making of glass; and to insure the monopoly, to lay a duty of 16*d.* per pound, on all enamelled, stained, and paste glass, window glass, and glass cakes; and 4*s.* per dozen on all bottles imported. This would of necessity keep the whole glass manufactory within the kingdom. It would lower the materials, and totally prevent the native manufacturer to be under-sold. In consideration of this very great encouragement to enable the manufacturer to pay the tax, he would propose to lay the following excises; that is to say, 7*s.* per hundred on all spread glass; 14*s.* on all other window glass; 3*s.* 6*d.* per cwt. upon all materials prepared and used in the making of common bottles, not being phials, or intended to hold chymical preparations, garden glass, and other phials, made of common bottles. This tax, he computed, would bring in about 45,000*l.*

The last tax he had in contemplation, was a tax upon another species of property, upon estates, houses, and goods, sold by auction. The tax was intended to answer more purposes than those of mere finance. Auctions were multiplied of late years, in all parts of the kingdom, to that excess, as to be very mischievous to every fair trader; and in many cases were attended with circumstances of gross fraud and imposition. But even where they were accompanied with no such circumstances, they were fair objects of taxation, and were already taxed in Holland, the country in Europe where the public burdens were most judiciously laid on. If the manner of paying a tax had any thing to recommend it, the present would; for it would at all times be paid with facility, from the produce of the sale, without putting the person who was to pay it to any difficulty. He believed it would be a very productive tax, but he should take it at 37,000*l.*, much under the mark. As auctioneering was become so extremely profitable a business, and from which such

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large fortunes were made, he thought the auctioneers themselves were very proper objects of taxation; taking that circumstance into consideration, he should lay the tax accordingly. He proposed, therefore, to lay a tax of 20*s.* upon every auctioneer in London and Westminster, and 5*s.* upon every other auctioneer in Great Britain. This tax would have another beneficial effect, as it would ascertain their number, and places of abode, and of course render the collection of the tax much more easy and certain. The sum of 3*d.* in the pound for every 20*s.* assigned by sales by auction of any interest in possession, or reversion, in any freehold, copyhold, leasehold tenements or holdings; and of any utensils of husbandry, farming, stock, ships, and vessels; and of any reversionary in the public funds. And the sum of 6*d.* for every 20*s.* arising by sale of all furniture, fixtures, plate, pictures, jewels, books, horses, and carriages; and all other goods and chattels whatever.

His lordship having gone through the supplies, and his account of the proposed taxes, then proceeded to state the Ways and Means; to point out the deficiency, and to specify it, as the sum meant to be funded. The land tax, at 4*s.* in the pound, was 2,000,000*l.* malt, 750,000*l.* surplus of sinking fund, 5 Jan. 295,000*l.* ditto, 5 April, 760,000*l.* growing produce of the sinking fund, 1,239,000*l.* duties on rice, &c. 4,000*l.* American revenues, 1,000*l.* gum seneca duty, 1,000*l.* from lord Holland's executors, 200,000*l.* and new exchequer bills, 150,000*l.* which amounted in the whole to 7,452,000*l.* This, then, his lordship observed, would leave a balance, including the excess of grants, of 5,500,000*l.* so as to balance the supplies, which he stated before, were 12,952,000*l.*; 5,000,000*l.* of this deficiency he proposed to fund, and raise the other 500,000*l.* by a lottery of 50,000 tickets, at 10*l.* each; the prizes to be made payable at the Bank, without deduction in money: the five millions were to be funded at an annuity of 4 per cent. The low price of stocks at present, would not admit of these annuities bringing their full value; that is, for every annuity of 4 per cent. granted 100*l.* subscription. The public must, in all money transactions, conform themselves to the market; and the prices which govern the market at present being about 80*l.* for 3 per cents., 4 per cents. would not bring at most above 95*l.*, consequently there would be a deficiency of 5 per cent, or loss to the public. This was unavoidable from the state of the stocks; it was therefore the business of parliament to make the best bargain they could for the public; at the same time taking care that the terms should be such, as would invite the annuitants to subscribe: because, how well soever monied men, from their confidence in government, or the justice of the national cause we are engaged in, might be inclined to support it, it could be hardly expected, unless in imminent danger indeed, which was by no means the case at present, that they would part with their money without some prospect of immediate advantage. Besides, should the bargain be hard, and the profit uncertain or precarious, it could not in the nature of things be expected, that the subscription would fill so fast as where the advantage was probable, or almost certain; on the contrary, it might fill slowly; and if in the mean time the stocks should fall, or the subscription hang, because the bargain was no object of gain, it might not only operate for the present, but throw difficulties in the way of raising money next year, when, perhaps, we should be obliged to pay a double, or treble premium. For these reasons, he was willing to steer a middle course; because he was sure it was the best at the long run. He proposed to make up the 5 per cent. deficiency, being the difference between the market price of 4 per cents. and the annuity, by a premium of ½ per cent. for ten years, which was worth 4*l.* 1*s.* and computing the lottery ticket which was to be given as an additional premium of 3*l.* it would raise the whole of the premium to 7*l.* 1*s.* which made the subscription worth 102*l.* 1*s.* or 2*l.* 1*s.* profit to the subscriber. Taking then, the transaction in its true light, the public would be 19*s.* gainer; because, it received a 100*l.* for what at market, in private hands, was intrinsically worth no more than 99*l.* 4*s.*

His lordship proceeded to observe, that the interest or annuity of 4 per cent. on five millions, was exactly 200,000*l.*, and the ½ per cent. premium was 25,000*l.*, which together amounted to 225,000*l.* The new taxes were taken for 242,000*l.* which, after deducting 4,000*l.* average produce of duty on plate to be repealed, would leave the new taxes at 238,000*l.* or a surplus of 13,000*l.* to be transferred to the uses of the sinking fund. He hoped the taxes would produce considerably more, as he had under-rated some of them,

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particularly the auction and servants' tax were stated considerably short of their probable amount.

As to the state of the nation, either in respect of the war in America, or the disposition of the House of Bourbon, he said, we continued to receive very friendly assurances from the court of France, and that no preparations were going on in Spain sufficient to alarm us, either on our own account, or that of our allies. He remarked in particular, that France had begun to disarm; and as a still stronger proof that the most Christian king meant nothing hostile, the Newfoundland fleet had sailed without a convoy, or even that sort of protection, which is given in times of the most profound tranquillity; and a recent proof he had received that morning of the very friendly and pacific disposition of the court of Versailles, put it beyond doubt; which was, that the pirate who had made prize of the Harwich packet, was in confinement at Dunkirk by order of that court; a circumstance too strong to require any collateral information to support his former assertion, that we had nothing to apprehend from that quarter which was likely to interrupt us from prosecuting our intentions of reducing our rebellious colonies to a state of constitutional obedience.

Mr. *Fox* observed, that the great object of the war was a revenue to be drawn from America. Experience had now convinced all men of common sense, let the present campaign be ever so prosperous in point of victory or negociation, that no revenue now, nor hereafter, was to be drawn, or even so much as expected, from America. The idea was scouted by his lordship's warmest friends; yet the noble lord, to amuse the country gentlemen, talks of relief from that quarter. Our burthens are to be shifted on the shoulders of our American brethren. He doubted much whether the noble lord had ever any such serious expectation. He might have an immediate interest in affecting to think so; but whatever might be his motives then, he was certain the noble lord would not roundly assert, or affirm, that he seriously expected America would ever afford any other revenue to Great Britain but what might be derived from her trade in amity, even in the event of a successful war, or an amicable negociation. He appealed to his lordship, if the tea tax was not the cause of the present war? Was it consistent with common sense, that America, with a powerful fleet and army, would enter into a negociation to pay a tax which they had spent so much blood and treasure to resist? It was preposterous to hold out such ideas to a society of grown persons. His lordship must surely by this time have learned, that even that House began to be tired; the sensible men, the noble lord's own friends, are grown sick of war, and the expence attending it. Contractors and placemen, and their dependants, only wish for its continuance. If they are ashamed to take the task upon themselves, the Lords may do it for them. They will have been the means of repealing the plate tax, why not dispose of that on tea in the same manner? He endeavoured to prove, that the nation would be a loser of above ten per cent. upon the loan, which was full half a million: and that, considering all circumstances, it was the most scandalous bargain that ever was made for the public. He was certain, he said, that a shilling would never be got from America; for, after the repeated successes which he had often heard dwelt upon in that House, our troops had gained in America, and the cry in consequence of these successes, that America was conquered, and all was over! what was the case? The very first action in which America had the advantage, and defeated the Hessians in their post at Trenton, the American army increased immediately; our army was obliged to give way; nor had we force to protect or avail ourselves of the advantages we had gained, so as to be able to keep our ground. From this single circumstance, he had a right to infer two things; that our force was not equal to conquest, and that it was impossible we could expect to bring America over by fair means while we continued to insist on taxing her. He was very severe on the inhuman conduct of the Hessians, in plundering the innocent natives, and abusing the aged and helpless. Our own troops were almost as culpable, with this difference, that the English spent the spoil, and the foreign barbarians hoarded it. He could venture to inform the House, that America had raised a very formidable force against the next campaign, with little or no difficulty, while our army would be considerably weaker than it was at the opening of the last. He had frequently heard the paper money of the colonies depreciated by the noble lord; but he doubted, notwithstanding the painted outside held forth this day, whether it

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would not be found security equally substantial with any one fund his lordship could devise.

Mr. *Jenkinson* supported every one of the noble lord's calculations. He took a retrospective view of the conduct of other Chancellors of the Exchequer, particularly of Mr. Legge, who was esteemed a very able financier; and insisted, that the present bargain was one of the most advantageous that ever was made for the public, when so large a sum was to be funded. He allowed the events of war, or of negociation, were uncertain; but for his part, he should never depart from his original opinion, that if America was to remain a part of the British empire, she ought most certainly to bear a proportionable share of the expence of general protection. He approved highly of the taxes, as hitting the proper medium between what were called mere luxuries, and the necessaries of life. In short, they were laid upon the elegant conveniencies of life, which were the true objects of taxation in every well regulated state. The proposed duties, he said, were not only judiciously, but equitably laid.

Mr. *Burke* pointed his wit chiefly at the hon. gentleman who spoke last, whom he considered as the real minister. He made his acknowledgments to him for that flood of knowledge he had poured forth, in order to fructify and improve an ignorant and admiring multitude. His wonder, however, ceased when he considered whence those copious streams of sapience, information, and instruction flowed. His opportunities were many, and well chosen; and his counsellors great, able, and powerful. He stood in high estimation, he knew, in the highest places; yet, for all his parts, and all his acquired knowledge, it would be extremely difficult for him to shew, that the surest steps towards conquering America, or inducing the colonies to come to terms of accommodation, would be to apprize them, that, conquer or submit, they must pay the expence of conquest, or of the measures previously taken to induce them to submit to unconditional obedience. On the contrary, experience, every thing in America, and out of it, contradicted such an absurd expectation. The Americans would, he was certain, sooner die in the field, than submit to such base and ignominious terms. He was and ever would be ready to support a just war, whether against subjects or alien enemies; but where justice, or a colour of justice, was wanting, he should ever be the first to oppose it. Among other melancholy effects of the present impolitic civil war, the loss of the American trade was one of the greatest. France had got possession of it; our American subjects had found the way thither. Every other mischief might, in some measure, be remedied or removed; that, he feared, would never again flow in its native channel, be the event of negociation or hostility what it might.

Governor *Johnstone* said, that America was lost, he feared, for ever. We were not able to conquer, and they would never consent to receive us as allies, much less as masters.

Colonel *Barré* was severe on lord North, and pledged himself that he would bring a direct charge against the noble lord to-morrow, of his abuse in office, in respect of some of the contracts.

Lord *North* was ready to meet any charge it was in the power of the hon. gentleman to make. He knew he had no right to ask the specific charge, or the nature of it; but since he was to be publicly accused of so great a crime as malversation in office, in the face of the nation, he hoped the hon. gentleman would be so generous to let him know the nature of his accusation, that he might be the better enabled to defend himself to-morrow.

Colonel *Barré* replied, he did not wish to take any man by surprize; he had often mentioned it before. It was relative to contracts and contractors; but the matter he more particularly adverted to, was the article of rum, contracted to be sent from Jamaica and the ceded islands, to North America, for the use of the fleet and army.

The Resolutions were then agreed to. As soon as the House was resumed,

The *Speaker* acquainted the House how extremely disagreeable it was to him to stand in the situation he did all day, relative to the admitting of strangers into the gallery, some being let in, and others not. That it was the sense of the House the other day, that strangers should be let in till the end gallery was full. He gave directions accordingly; but when the serjeant came and told him that the end gallery was full, he gave orders that no more should be admitted. However, repeated applications after that being made by several of the members, which, for the reason now assigned, he was obliged to refuse,

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he believed they were displeased at the refusal; he therefore wished to know what the House would have done to-morrow.

Sir *James Lowther* said, he made no doubt but the Speaker was informed there was no room in the gallery, and that it was full; but he begged to assure the House, that he went up to see, and found it not full, but capable of holding nearly as many more.

Mr. *Rigby* made atonement to the Speaker for his harsh expressions on Friday. He said, the Speaker ought to be supported, and that order ought to be maintained in all points. He observed, that a less good-natured man would keep order better. When Mr. Onslow was Speaker, he would not let members stand on the floor, or by the chair, or behind the chair talking; and when the House was disorderly, he used to call out and say, he hoped the House would support him in keeping order; and as to the gallery, and the crowd there, he knew no business that strangers, or any one else, but the members of that House, had there.

Sir *James Laroche* said, the crowd was so great in the lobby, that it was with great difficulty he could get into the engrossing-office with a Bill; and he hoped it would be kept clear to-morrow.

Lord *Ongley* was against admitting any one into the gallery. He said, he knew no business strangers had there; and was for having the standing order put in force.

Sir *J. Lowther* was for letting strangers in to-morrow, because he believed there would be no great crowd. He left it, however, to the Speaker himself, who he was certain would act properly.

Governor *Johnstone* said, few would come to-morrow from the city, as the terms for raising the money was known; but perhaps a body of contractors might come and make a crowd, and occupy all the front seats.

The *Speaker* said, as gentlemen seemed to entertain different opinions on the subject, he would endeavour to do as well as he could.

May 15. Sir Chas. Whitworth brought up the Resolutions of the committee of yesterday, and the Speaker put the question, that they be read.

Mr. *David Hartley*. When the noble lord at the head of the Treasury opened this debate, he professed his intention of confining himself merely to the official and technical parts of the subject; such as the summation of the supplies of the year, the produce of the ordinary revenue, and of the sinking fund, the amount of the loan necessary to complete the difference, together with the terms of that loan, and the taxes necessary. I allow, that this is a wide field, affording sufficient matter for many days debate; but, as I think these matters by much the least important parts, I would wish to solicit the attention of the House to the general state of the nation in its present circumstances, and to set before them, separately from the confused mass of this day's debate, the clear expence of the American war, such as it is, and such as it must be, if the war continues; the insupportable burdens that it will entail upon those who have hitherto given their voices for the war; the impracticability of finding means to support it; the impossibility of success in the event, and all the ruinous consequences to the trade, the revenue, the powers, the strength, and the resources of this country. The minister may wish to divert your attention, by a multitude of other matters, from these alarming objects, and to amuse an inattentive House and nation into ruin, through the ingenious intricacies of office, and a display of his own abilities, in strewing flowers before you in the paths of destruction. I have long known the talents of the noble lord; and so far I must say for him, though not for the cause, that if the nation will have an American war, he has performed the official part of Chancellor of the Exchequer for this year with great ability; and if I could think the war to be as just, necessary, and practicable, as I think it to be injustice, madness, and ruin, I should have but little more to say upon the occasion of this debate.

I shall not follow the noble lord into the detail of the Budget, but I shall keep to a more general view of the present state of the nation, and its prospects. There is, indeed, one article in the terms of the loan which deserves notice, because it betrays a great deal of what are the real sentiments of the minister, and of the contractors for the loan, of the future prospect of things. The noble lord has told us, that every subscriber of 100*l.* to the new loan is to receive such conditions, as by estimation shall be all together calculated to be worth 102*l.* the difference being the premium for the new subscription. He has made it out thus: In the first place, 100*l.* of 3 per cent. stock, valued at 76*l.*; in the next place, 10*s.* per annum, for ten years

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certain, and then to cease; this he values at 4*l.* more; the premium upon one lottery ticket, he values at 3*l.*: these articles together make 83*l.* To complete the proposed sum of 102*l.* there is wanting some article that may be valued at 19*l.* or of 17*l.* to complete the value even of 100*l.* This valuable, upon which so high a price as 19 years purchase is set by the noble lord, is no other than an annuity of 1*l.* a year, for ten years certain, reducible at the end of that term, but not *ipso facto* ceasing. Therefore, the noble lord must have succeeded in convincing the undertakers for the loan, that the funds will certainly continue in such a state of discredit for so many years after the expiration of the stipulated term of ten years, as to make it a bargain at this hour to give 17, 18, or 19 years purchase for a contingent annuity, not redeemable till public credit shall once more hold up its head. This is something new and extraordinary, that even the noble lord's merit and boast in making a good bargain for the public should be founded upon the discredit of the public funds. The minister, who from his situation must be best informed of the lamentable state of the nation, and of its prospects, cannot explain his own merit to this House, without boasting that he has sold the public discredit at so many years purchase, though he has in the same breath had the art to persuade us to another campaign, upon the promise of success, and a good event to these troubles. He produces to us here the undertakers for the loan, who must go upon the calculations according to the years purchase, as so many underwriters of the future discredit of the public funds. They know very well, by their tables, that a purchase of 17, 18, or 19 years, cannot be reimbursed to the purchaser at 4 per cent. in less than 30 or 40 years. For so long, therefore, have they underwrit the public discredit. These testimonies are this day to receive a public parliamentary sanction. Our prophetic omens and forewarnings on this side of the House have long been treated with disregard; but now the secret is confessed; the minister has published it; the stock-broker has underwrit for it. This House has returned their thanks to their Speaker, for having laid the melancholy, but important, truth before the throne, that the day "of public distress, full of difficulty and danger, has overtaken us," and that we are "labouring under burdens almost too heavy to be borne;" and now parliament is again this day to stamp with the seal of its authority this fatal truth. If all these tokens and warnings will not bring back an infatuated people to reason, we are gone past all hope of redemption.

Neither the enormous expence, nor the absolute impracticability of the war, seem to have any weight with us: we go on regardless both of the means and the end. I stated to the House last year a computation of the probable expence of the war,* and now that the papers of last year are laid upon your table, they bear testimony to the accuracy of those calculations. Those resolutions, to which I could have wished to have had the concurrence of the House, that they might have been awakened to the real state of public affairs, stand upon your Journals, to shew at least that you have had early warning offered to you; and though the fate of all of them was to fall by the previous question, or the flat negative, yet they have all proved true. As long as this national madness continues, so long must the same annual expence of this unjust and impracticable war continue. Seven millions a year is the least that the expence of the American war can be stated at, either by the measure of the last year, or the adopted system of expence for the present year, and so on. Without entering into the detail that I troubled the House with last year, you may see the difference between this year's expence and a year of peace, in very short totals. The total of the expence stated by the noble lord for this year, under the heads of navy, army, ordnance, militia, and sundry services, amounts to about 11,000,000*l.* the ordinary peace establishment is under 4,000,000*l.* the difference, therefore, being about 7,000,000*l.* is occasioned by the American war. This is the least. I understand, that we have sent a recruit to the forces in America of about 6,000 men; this poor recruit has been purchased at the moderate expence of 7,000,000*l.* We can only argue from so much of proofs as are before us; therefore, I would not have the House imagine me to say, that this is the whole expence. By no means; arrears upon arrears, and Hessian demands upon Hessian demands will make a heavy total. If you were to close at this hour this boundless profusion of madness and expence, this American war from first to last would not cost you less than 20 millions. How is this im-

* See Vol. 18, p. 1302.

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mense expence to be supported, and from what funds, from year to year? When this ruinous war shall have produced its effects in the destruction of the commerce and revenues of this country, how will all these fallings off be supplied? This is a consideration well worthy the attention of the landed gentlemen. Their acres must, in the end, answer for all deficiencies. Their land is a sure deposit; whatever fails, they cannot run away. They are bound to the stake by the solemn faith of parliament. There is not a loan founded upon any tax of consumption, without a provision, that, if it should fail, the first supplies of parliament are bound to make good all deficiencies. This is a serious matter to the landed man, and should teach him the prudence to cultivate and secure the produce of all taxes arising out of consumption, and commercial superfluities. Tea, wines, brandy, sugar, and all foreign superfluities bear their share now; but when the destruction of trade brings on general bankruptcies, and a reduction of every man's superfluous expences in living, the necessities of private parsimony will dry up the sources of taxation from superfluous consumption; that is to say, of all voluntary taxation. Then comes the landed man's turn; he must fly his country if he would fly from taxation. When superfluities fail, necessaries must stand in their place. Men must eat, and wear clothes; then you must tax bread and cloth. In a day of real distress you must lay the effective taxation upon producing funds. At such a time it is folly to tax follies. You must lay such taxes as cannot at option be avoided. Bread, and cloth, and beer, and land, and houses, must be substantially taxed. Have not the landed gentlemen heard a language which is lately got abroad, to mortgage a shilling in the pound upon land, perhaps to equalize it, and then lay it double? These are the modern preparatory hints, which, I think, are broad enough to be understood. Why should we despond? Is there not a good untouched rental of 30 or 40 millions a year in land-rents? The rental of all the houses in England is perhaps seven or eight or ten millions a year more; a shilling or two upon the land mortgaged, and a tax of 10 per cent. upon a full valuation of houses, will produce immense funds. These, I should think, must be alarming arguments coming at this time, when the fatal blow is aimed at the commercial powers and prospects of this country, when taxes of commercial production begin to shrink under the hand of taxation. This is the lot which we are preparing for the landed man. When we have lost our trade and wooden walls, the landed man must carry a musket upon his own acres, and at his own cost, and in his own person, and fight upon his own land, against any foreign invader, for the defence of his country. When the Gauls are at our gates, the sinews of a necessary defensive war must not be uncertain; the landed man must stand in the gap with his life and fortune. He alone will have any thing worth defending, or the means of defence. Let the landed man think of these things while it may yet be in time, and let him recollect that when trade and commerce are gone, the value and rental of his lands will fall, and the whole weight of all the national burdens will fall upon him, when he himself is sinking. Let me, therefore, apply to the landed gentlemen in this House, whom I consider as the guardians and watchmen of the state, to throw a golden bridge behind the minister, and to give him a retreat from the prosecution of this fatal war; and not, under a notion of false honour, to press him on to madness and ruin, through a system of unjust, destructive, and impracticable measures.

Surely the most obstinate partizan for the American war must now begin to suspect his errors, and the deceptions which have been put upon him. When the war was first adopted in this House, the cry was, that the appearance of but a few men would soon annihilate all resistance, and put an end to the matter, in less than even one whole campaign; we are now entering upon the third campaign, at the expenditure of 20 millions, and nothing done. I told you the year before last, that you would meet with a resistance of an army of 50,000 men. I was then laughed at for the prediction, though it has proved true. The last year, when you had sent armies to the amount of 54,000 men, I told you that you would not touch a hair of the head of America; has it not proved so? They are unanimous, at home, and upon the defensive; you are unconcerted in your councils, 3,000 miles distant from execution, with every difficulty against you. Delay, which is the sure game of the defensive side, has been, and must prove your ruin. At sea, which has hitherto been our prerogative element, they rise against us at a stupendous rate; and if we cannot return to our old mutual

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hospitalities towards each other, a very few years will shew us a most formidable hostile marine, ready to join hands with any of our enemies. There is scarcely a port in Europe, which does not give harbour to their privateers. Their captures upon our trade has been to the amount of some millions, for we have more to lose than they have. The American cause gives a mask for all the nations in the world, under American colours, to plunder the British trade, which we experience every day, to our severe cost. The assistance they receive from all European powers is too notorious to be any longer denied. Under all these gloomy prospects, let me once more entreat the landed gentlemen to cast about for some line of restoring peace, and a perpetual alliance in friendship, between this country and America.

My object, in every thing that I have laid before the House, upon former occasions, upon the plan of conciliation, has been, if possible, to restore the old system of things, under which peace, prosperity and friendship have flourished. That system has passed away, when we knew not the value of it, I fear, never to return; indeed, now I think it by no means eligible, that the old system should return. A federal alliance, which may have the principles of duration in it, is in my poor opinion, at this time, the only safe plan. After what has passed between the two nations, and our having put the Americans to feel those powers within themselves, which they were ignorant of before, any other plan of oppressive superiority, and national claims of dominion, will only lay in store materials for some future civil war, even if the decision could be suspended by some temporary advantages on our side for the present. If I could have advised the councils of this nation some time ago, it should not have been to have pressed forward the decision of such touchy points by any needless anticipation. If I were now to presume to give a word of advice, it should be to follow the natural course of things, according to the true and unalterable principles of equal liberty and social happiness to all mankind. Give to your colonies the perfect inheritance of freedom, while you can say, that you have any thing left in your power to give. Upon these principles, I have drawn up a motion, in the shape of an Address to the King, for the peaceable settlement of the troubles in America. I do not know, that I shall actually offer the motion to the House, because I am not sure that it would stand any chance of a good reception as yet; but I will venture to prophesy, that the principles of a federal alliance are the only terms of peace that ever will, and that ever ought to obtain between the two countries. If the House are not yet ready to receive such as I conceive to be the only true principles of freedom, I shall not obtrude the motion upon them; I shall only desire to avow such principles, and none others, to be mine. In the drawing of the motion, I have incorporated the arguments with the proposition itself, that it may remain a protest on my part, against the principles of those measures which are now pursuing. I have drawn it up as follows:

"To the King. Your faithful Commons have taken into their most serious consideration, the very alarming state of this nation, from the present unhappy disputes with the American colonies, and are most heartily desirous, according to the example of their ancestors, to encourage, support, and maintain, the true principles of liberty, and through them to establish peace and prosperity throughout every part of your Majesty's dominions. We cannot but express our fears, that in the present unhappy disputes, your Majesty has been much misinformed, as to the true state of America, by ignorant, and, perhaps, ill-intentioned informers, who have represented to your Majesty, that the disturbances there were excited by a few individuals only, but that the general sense of the continent of America was totally averse to them, and ready to submit, if but a few troops (with some degree of countenance from this country) were to be sent over. Your faithful Commons therefore finding from the subsequent events, such informations to have been groundless and delusive, are led to suspect, that the causes likewise of the disturbances may have more serious and deep foundations than have been represented. They are, moreover, led upon this occasion to consider, that all good government is established for the safety and content of the people, as expressed by the general voice, and common consent, of the members of any community; and that, whatever superintending power or controul a parent-state may be entitled to, in the infancy of any colony, as for the common good of any such colony in its infancy; yet that the ulti-

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mate end of all colonization is, and ought to be, to establish kindred and derivative communities into perfect societies, in the fullness of population, settlement, prosperity, and power. These principles are not only founded in the nature of mankind, but are peculiarily applicable to our own colonists, who carried out with them, into their foreign settlements, the seeds of the British constitution, which we flatter ourselves to be the happiest and most free in the world. These colonies, under the auspicious and friendly eye of the parent state, have at length out-grown the imbecilities of their infant-state, and approach to the maturity of settlement and population, and all the arts of life, and thereby are become capable of that glorious inheritance of perfect freedom, which their parent-state has in former times rescued out of the hands of tyrants, with a view to assert it for the common good and use of mankind, and particularly to transmit it entire to their own descendants. As no country can arrive at its full perfection, while it is confined in the powers of a free legislation, respecting the concerns of its own internal policy; and as the transition of colonies from the controul of a distant parent-state, to the absolute possession in full right of all their legislative powers, must inevitably (at a certain period of connexion between the parent-state and its colonies) disturb, or at least for a time suspend, the harmony of affection and mutual correspondence of interests; and as the course of the present disputes between Great Britain and her colonies has led to that dangerous point of contention, which being originally inherent in the relation of parent-state and colony, now shews itself so serious in its aspect, as perhaps to threaten, if not amicably adjusted, the ruin of one or both countries: your Commons, therefore, think it wise and prudent, to follow the apparently natural and unavoidable course of things, and to bestow upon the colonies an entire freedom of their legislative powers within themselves, hoping thereby to lay a foundation for a perpetual and indissoluble bond of affection and alliance, in every respect as beneficial to both countries, as the connection which has hitherto subsisted between them, in the mutual relation of parent-state and colony; and with this additional hope of permanence, that according to all human prudence, such connections in which there is no latent principle of future discord, may be trusted and relied upon, for the cordial restoration of peace, and for all the blessings of reconciliation between this country and the offspring of its own liberty, formed in the perfect resemblance of its own constitution, and transplanted into the new world of America. Your faithful Commons, therefore, humbly beseech your Majesty, to order an immediate suspension of hostilities in America, for the sake of preventing any farther effusion of blood, and to concur with your parliament, upon the ground-work of the foregoing principles and considerations, in laying a foundation for reconcilement and perpetual peace between this country and America."

Mr. *Rashleigh* reprobated the tax upon sales by auction, and begged lord North to explain the resolution relative to the sale of estates by assignments, and to acquaint the House, whether leases were intended to be included in the description of any freehold, copyhold, or leasehold tenements or holdings.

Lord *North* replied, not leases without a valuable consideration expressed; but if leases were granted for a fine, or other consideration, and of course vested a specific property in the possessor, he intended they should be included. He lamented the necessity of laying new taxes, and the expences of the war which created that necessity; but denied that he was instrumental in either one or the other. The equity of compelling America to contribute towards lightening those burdens they were originally the cause of, was a popular opinion within those walls long before he entered into office. It was still a prevailing opinion; but whatever motives of propriety, expediency, or concession, on our part, might have induced us to wave the exercise of the right, the grounds of the contest had long since shifted. It was no longer a question whether we should tax them, or let them tax themselves; it was simply, whether America was any longer to form a part of the British empire. If the House thought the object no longer worth contending for, he had not a single desire or wish of his own to gratify. If the House continued to persevere in thinking, that the honour, dignity, and vital interests of the whole empire, were deeply involved in the issue of the present contest, in the judgment of all that heard him he must stand fairly exculpated from the charges brought against him by the hon. gentleman (Mr. Hartley). The question now was, Is the bargain a good bargain?

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Are the taxes judiciously and equitably laid? The latter the hon. gentleman has acknowledged; the bargain with the public creditors he has found fault with. He says, that the navy debt should be reduced. I think so; and have done all in my power to reduce it. I have paid off a million; but if more of the navy debt, 500,000*l.* been paid off, as the hon. gentleman has suggested ought to have been done, that sum would of course, on getting into circulation, have produced the same inconveniency now complained of. The hon. gentleman has spent a great deal of time in proving that the bargain was a very good one for the subscribers, and a very bad one for the public. It called for no long detail of facts, nor much argument, to prove how erroneous such an assertion was. He should only refer him to the market, as the most impartial evidence of the error of his calculations. Let him examine the price of stocks this day, and he will find, that instead of a profit of 10 or 5 per cent. which he supposes the subscriber will make, the hon. gentleman might purchase as much omnium as he pleased, considerably under 2 per cent. The hon. gentleman seemed much surprized what could induce him to keep so laborious an office, and carry through measures so contrary to his own judgment. The latter was a point, he presumed, the hon. gentleman could not be informed on sufficiently to speak with any degree of certainty; and as to the former, he was very willing to resign whenever a person was found ready to succeed him, who at the same time had the sanction of public approbation. But supposing that he was as ready to resign the present laborious office, as the hon. gentleman seemed desirous he should, what could be done? The great business of the nation must not stand still; and the hon. gentleman says, no person could be found who would accept it. It follows, then, that he must be obliged to keep it, till some one be found to take or accept of it. The hon. gentleman, in his general rage for finding fault, betrayed some marks of friendship; he admonished him to take care of his head, the safety of which depended, in some measure, on the event of the American war. Whatever might be the event of the war, he never expected to have it imputed to him; he indeed heard the contrary imputed to him, by persons at the same side of the House. He was certain, either assertion was equally ill-founded; he never pressed the war in a responsible situation; he always approved of the measures, as they arose, as an individual. If innocence, founded in private opinion, was a protection, he must remain safe in this country; he did not lead parliament, but follow it; he meant to continue to do so; and whenever that House, which expressed the sense of the nation, thought proper to wish him to retire, he should do it with content and private satisfaction, in a consciousness of having discharged his duty with truth and fidelity.

Mr. *Dempster* observed, that the noble lord had been now ten years at the head of the finances, and, instead of paying off any part of the national debt, he believed he had added considerably to it. When a person of his lordship's confessed talents had failed in making any progress in so desirable a work, he despaired ever to see the debt lessened: he therefore thought it would be better for money to be borrowed in such a manner, that the very nature of the loan should create a virtual fund for discharging the sum borrowed; such as borrowing sums at a proportionate increase of interest, which should cease at the end of 61 or 99 years, the interest and principal to be extinguished together. It would, in fact, be paying so much of the debt thus borrowed, every year.

Lord *North* said, that the matter mentioned by the hon. gentleman had been often talked of, even before the commencement of the present century: but, for his part, if any alteration were to be made, he thought it ought to be for short, not long annuities; for he believed the length of them, after a certain period, added very little to their value at market. This he instanced in the long annuities granted in the reign of queen Anne, which, after 69 years enjoyment, sold for as much as they did the first day they were granted, though they were to be extinguished in 30 years, namely, in the year 1807. Sir Robert Walpole had turned his thoughts to the subject very fully, and gave the preference of perpetuities to long annuities. For his part, he should prefer short annuities to either. It held out a pleasing prospect; and if it was a mode of extinguishing debts, it was certainly the most direct, easy, and immediate.

Colonel *Barré* said, he waited with astonishment for some explanations from the two noble lords (North and G. Germain) on the Treasury-bench; but had heard nothing from them on the subject of the

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state of Europe and America. The noble lord in the blue ribbon had touched slightly on the good disposition of the French court, and his hopes respecting the happy conclusion of the American troubles; but that was all. He neither explained the grounds on which his opinions were formed, nor assigned a single reason sufficient to satisfy the public, which, by every appearance of things, had a right to fear the direct contrary. There were many articles in the extra services which were not satisfactorily accounted for. One, in particular, of 400,000*l.* He had asked the noble lord before, what it could be for; and forced out at length that it was for the military chest. He said, contracts for rum had been made at 3*s.* 3*s.* 6*d.* and 4*s.* per gallon, besides freight, which brought it to about 5*s.* 3*d.* a gallon, free of duty, to be delivered in America, and the quantity was immense. For his part, when he served in that part of the world, he never understood that there was any occasion for rum to be served to the troops as aboard a man of war; and he remembered very well, that in the back settlements, when sir Jeffery Amherst commanded there, he ordered rum to be delivered, even in those inhospitable regions, in very small quantities; assigning it as a reason, that it would spoil the soldiers.

Lord *North* said, he was surprized to find that the hon. gentleman had deserted the accusation he pledged himself to bring forward in the committee; and had now contented himself with calling for some trifling explanations.

Colonel *Barré* said, that if the noble lord meant to be at all communicative, there was ample matter for him to expatiate upon. He called on him particularly to explain the 700,000*l.* for provisions alone; likewise the 800,000*l.* for extraordinaries, of which the noble lord had hitherto only told them that that and other 400,000*l.* were applied for a military chest; a very laconic explanation, but such an one as he hoped would not prove satisfactory to the House: that in relation to the rum business, a Mr. Atkinson must be a very good friend of the Treasury indeed! for he has paid 35,000*l.* for rum, without any of the requisites of a satisfactory account; for there was not even the quantity specified which he had furnished; he understood, however, that it was at 5*s.* 3*d.* a gallon; that he had made many enquiries of planters, merchants, and others, and had found that 3*s.* 6*d.* was a very favourable contract price; that 2*s.* 4*d.* was a prime cost price, and desired to know if a Mr. Irvin had not offered to contract for rum at 2*s.* 6*d.* And also, if the Victualling-office had not contracted for it no longer ago than last Monday at 2*s.* 6*d*? He would not hint an idea that the noble lord touched a penny of these contracts, he who certainly was capable of refusing lacks of pagodas, can never be reproached with the meanness of being concerned in the pitiful transactions of rum contracts.

Lord *North* said, in reply to the contract business, that nothing could be clearer than the mode of the Exchequer, passing the accounts of those who had contracted with government; that there were always vouchers for every thing done, so that the completest satisfaction could at any time be had, as to the terms of the contract, and the due performance of those terms. That the contract with Mr. Atkinson was for rum of the very best proof, the finest that could be had in Jamaica, and in order that it might be known whether the rum was of that goodness, an instrument for ascertaining it was sent out. That Mr. Pelham, secretary to the Navy-board, had informed the Treasury, that their contract price in Jamaica was 4*s.* 4*d.* a gallon, but that in addition to this, there was freighted part to Boston at 6*d.*, and part to Canada at 9*d.* which made 7½*d* on an average. Leakage was 10 per cent. or 5*d.* Insurance 8 per cent. or 4*d.* Commission was 5 per cent. or 2½*d.* In all 5*s.* 11*d.* Whereas the Treasury had contracted at 5*s.* 3*d.* As to Mr. Irvine having offered to contract cheaper, he knew not the fact; but no other contracts were to be made than the first, as they were now left to the commander in chief, sir William Howe.

Colonel *Barré* rose to hug the noble, noble lord, as he called it; upon the rum affair he was perfectly satisfied; perfectly convinced of the wondrous good œconomy of the noble lord, to get that at 5*s.* 3*d.*, which plainly cost the contractor 6*s.* Why, the poor man must be ruined! It was cruel to treat him so unjustly; and he now plainly saw the reason why people of all sorts were so shy of taking government contracts. But this Mr. Atkinson must be the greatest ideot in the whole contracting world: did he make his contracts for sour crout and porter upon the same principles? But what will the noble lord say to rum, so far from 4*s.* 4*d.*, being in the island no more than 1*s.* 9*d.*;

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yet this was the fact. Those, therefore, who had so flagrantly misinformed the noble lord, ought to be reprimanded.

Sir *James Cockburn* rose to explain the circumstances of his contract for 100,000 gallons of rum from Grenada, where the current price was 2*s.* 1*d.* a gallon; that there were expences in casks, &c. which gentlemen had forgot; that to carry rum from the West Indies to Boston or Canada now was an immense expence, as they were to be freighted thither on purpose, and to come back again empty to the islands. He asserted that he freighted five ships with his contract, and one not being loaded, he filled her up with more of the same rum, to be sold at Quebec on his own account, and that sold for a higher price than what his contract gave him: he offered to produce proofs at the bar; and said, if the Treasury would give him another such contract, he would not take it; that his contract was made under the expectance of the price falling, instead of which it rose.

Lord *North* said, that Mr. Pelham's account was 4*s.* 4*d.*, without distinguishing whether it was currency or not; but he apprehended, that currency was meant from the certain expences he had recapitulated running so much above 5*s.* 3*d.*; but he would inform himself more particularly, and give the House every species of information they wished to have about it; as there was no contract which would not bear the closest examination.

Mr. *Fox* called on the House chiefly to remark, that 40 per cent. was no sort of difference in the accounts of the noble lord.

Mr. *Bayly* said, he had an offer to make to the noble lord, which would prove a saving to the nation of full 40 per cent. He accordingly offered to serve any quantity of Jamaica rum the Treasury might contract for, at 2*s.* 2*d.* per gallon, which was just half, on an average, of the price which had been given in all the contracts already made. The current price in the rum season, in Jamaica, was from 19*d.* to 23*d.* the gallon; and therefore he should have a good profit in serving it at 2*s.* 2*d.* or 2*s.* 4*d.* at most, after paying freight, insurance, &c.

Mr. *Jenkinson*, lamenting partly the necessity of the war, the loss it was to the kingdom, but upholding the indispensable authority of parliament, and blaming the bad policy of some late ministers, reprobated, in the strongest terms, the Tea Act; he condemned the whole measure as impolitic, as futile, childish, and paltry. Then turning to the Stamp Act, he said, that measure was not Mr. Grenville's; if the Act was a good one, the merit of it was not due to Mr. Grenville; if it was a bad one, the errors, or the ill policy of it, did not belong to him: the measure was not his.

Mr. *Dempster* remarked, that if contracts were publicly advertised to whoever would supply them cheapest, as they ought ever to be, the noble lord would not be under any difficulties in having recourse to either papers or memory.

Mr. *Dunning* said, that there was no clearness in this matter of the contracts; but there was one thing as clear as day, which was the noble lord's perfect ignorance of the whole transaction.

Lord *George Germain* rose to give satisfaction to the House, why he had in the debate of the day before said that there was a prospect of a successful end to the war in North America. It was not his custom to speak when he had nothing to say; but whenever he was called upon to give information to the House, he should always then speak with pleasure. As to the campaign, he thought he had the greatest reason to expect success from the army of general Howe being in good order, and more numerous from recruits than in the last campaign, while that of the rebels was in much worse order, and less numerous: that the fleet was also reinforced with some ships of the line, which were wanting last year; that he thought himself farther founded in his expectation from the minds of the people turning, from their experiencing the misery of anarchy, confusion, and despotism, instead of the happiness and security they enjoyed under the legal government of this country; that these emotions had operated so strongly in their minds, that very many deserters had left the rebel army, and come in to general Howe with their arms; many hundreds were coming in every day: that he had formed his opinion from the circumstances of the Congress having given up the government, confessing themselves unequal to it, and created Mr. Washington dictator of America; these circumstances, he thought, promised divisions among them. That another circumstance which every day proved of yet greater importance, was, their being disappointed in their expectations of assistance from France: they had been buoyed up with that hope, and made

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to believe, that a superior French fleet would be seen riding on their coast; in all which they now felt themselves deceived, and resented it accordingly. That they had met with the same disappointment from Spain; not that he asserted they had not received underhand assistance from both, in officers, &c. but what they were promised was open avowed assistance. Yet, Sir, added his lordship, for the protection of France they would pay *largely*; they have offered largely; they *have*, by their pretended ambassadors, actually offered to the French court all our West India islands! There is liberality, Sir! There is love of freedom, to consign so readily to French dominion and despotism the whole West Indies! Let me farther remark, Sir, that there are *great* expectations from the army in *Canada*, which last year could do no more than prepare to act; but having destroyed the enemy's fleet, they will be able to advance early in the spring, and unite with general Howe's army, adding 12,000 men to it, besides Canadians. His lordship brought forward another circumstance, which was the infinite difficulty Washington found in raising men: he had been under the necessity of forcing them into arms for three years, yet gave them a bounty of 30*l.* a man; but nothing could make it effectual, for as fast as they were forced on one side, they deserted to the other; of which there were 6,000 armed New-Yorkers in Howe's army; that his army was collected chiefly from the south; for from New England none had been raised, and they would early be cut off from the south. These were the reasons which induced him to have the warmest hope that the next campaign would prove very favourable. By the last returns, which were in March, the troops under general Howe were in health and spirits, and we should have an army much more numerous than we had last year, with the advantages of being composed of seasoned and disciplined men, used to service, the inclemencies of weather, and the change of climate. He said, if the operations of war should be extended, and it might be thought better to employ the army under general Howe in New England, the advantages would be no less obvious; it would cut out work for the northern rebels, keep them at home, and prevent them from dividing general Howe's force, or interrupting the operations of the grand army, by which means he would be better enabled to push his conquests to the southward.

Colonel *Barré*. The noble lord has told us, that all deficiencies have been made good in our army by recruits from Europe. Does he mean their present or their former establishment, and does he include in the army the American auxiliaries?

Lord *George Germain*. What I mean is this, that on the 20th of March, the date of the last general return, the army was more numerous, including the troops going on the sea from Europe, than it was when it took New York: more rank and file, without including the 6,000 Americans.

Colonel *Barré*. One circumstance the noble lord builds upon much, is the unpopular and dangerous circumstance of making Mr. Washington dictator. Now, it is very remarkable, that that account should have been denied by every private account which has come from America. Mr. Washington positively denied it. He applied to the Congress for more power, as his former authority was not sufficient for the raising and disciplining the troops voted; such an enlargement of his military power was given, but it was only relative to the army, and by no means a dictatorial authority, to include all the power of the state. Another point upon which the noble lord has insisted much, is, the French not openly assisting the Americans. But he admits that they have given every assistance privately; that they have sent great numbers of officers, engineers, and most ample supplies of money, arms, artillery, and ammunition; this we all well know, and every one must be able to judge whether this will not have a great effect in the ensuing campaign. As to the French fleet sailing to Newfoundland without a convoy; does the noble lord recollect that that fleet will be back in June, and that there then remains full time for France to interfere and prevent our conquest of America, which, depend on it, they never will allow. Look at the present state of their fleet; they have 20 sail of the line ready for sea: Is that a peace establishment? Is that an equivocal mark of their intentions? What in the name of common sense do they intend to do with that force, if not employ it against us?—But there are great hopes from the army in Canada! I wish those hopes may not be frustrated: there is a piece of policy to be exerted there which is unheard of; another officer wresting the command away the moment

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the army is out of the limits of the province; but through the whole conduct of the last campaign that commander was unhandsomely used—and it is to continue. Nor, Sir, will the operations there be in future so smooth: consider what was done; general Carleton destroyed twelve of fifteen of the enemy's vessels on the lake the 19th of June, but he was then unable to proceed. Does he know that the 19th of June is a very early opening of a campaign there, and if he then could not proceed, why is he now, after the Americans have had so much time to repair their losses? It will be no such easy matter. Yet the fleet which he built there cost millions to this country—so much, that we shall never have the particulars. To me it appears clear, that the Americans had the advantage in all the great leading features of the campaign—the evacuation of Boston, general Carleton's retiring at the close of it, too weak to attack Ticonderago, and general Howe not being able to bring Washington to an action, but extending his lines till they were all driven back about his ears. Through the whole of these circumstances, we have had nothing to boast.

The Resolutions were then agreed to.

May 22. Lord *North* took occasion to observe, that several reports had been propagated, as if the Treasury board had made disadvantageous contracts, particularly in the article of rums, contracted for the use of the troops serving in America; and that a partiality had been practised, in giving a preference to some persons, on account of their connections and public situations. He totally disclaimed the most distant intention of the latter; and assured the House, if he had entered into any contracts, at an improper rate, it was not done with design. He had, however, enquired more minutely into the matter, and found the contrary to be the fact. He said, the contract for rum might be made for about 2*s*. 8½*d*. on the spot; that this was lower than what was paid by the Navy-board; that agents were employed in Jamaica and America, to see the rums shipped and unshipped and delivered; that when cooperage, insurance, freight, and 8 per cent. brokerage, besides ullage, were taken into the account, the whole would be little short of 6*s*. per gallon; which was considerably more than what government engaged to pay, by their highest contract.

Colonel *Barré* said, his lordship was totally mistaken as to the price on the spot, the current average price being 1*s*. 9½*d*., not 2*s*. 8½*d*.; that the fullest value, taking freight, insurance, brokerage, agency, and leakage, of rums delivered in America, of the growth of Jamaica, would fall something short of 4*s*. instead of 6*s*. or 5*s*. 3*d*. He thought the whole transaction, relative to the rum contracts, wore a very slovenly and suspicious appearance; that it was too late in the session for the House to take up the subject; but, he trusted, it would resume its ancient right of checking the public accounts, already given in, early in the next; that they would call for evidence at the bar, in order to substitute facts for the assertions indiscriminately bandied about from the opposite side of the House; that if some such measure should not be adopted, this country must be undone by the contracting tribe. The noble lord had said, he had no gain by contracts: he believed him; but the mischief might be completely effected, without his lordship's sharing in the spoil. His lordship was surrounded by a troop of runners, dependants, &c. which was the most expensive of all troops that could possibly be kept in pay.

Lord *Mulgrave* said, from what he could learn from the mode of contracting adopted by the navy, the contracts now so severely condemned were made upon very proper and advantageous terms, all circumstances considered.

Mr. *T. Townshend* said, it was one of the prime privileges of that House, and became an essential part of its duty, as connected with the power of granting money, to watch the minister in the disposal of it, and check its expenditure. It was a part of their business in that House, and the leading object of their assembling, to call the minister to an account for the treasure committed to his charge. Matters of a very doubtful nature appeared, which, if not cleared up in due time, he hoped that House would discharge its duty, by properly exercising, and, if necessary, exerting its power in discovering the truth.

Mr. *Montagu* said, immense sums had been granted; the most boundless confidence had been reposed in the minister; and it behoved him to give the House every satisfaction in his power.

Sir *Edward Astley* said, he had strong reasons to fear, that the most shameful acts of public prodigality had been permitted, if not encouraged, by persons in authority.

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The King's Message for a Vote of Credit.] May 21. Lord North presented the following Message;

"GEORGE *R.*

"His Majesty, relying on the experienced zeal and affection of his faithful Commons, and considering, that, during the present troubles in North America, emergencies may arise, which may be of the utmost importance, and be attended with the most dangerous consequences, if proper means should not be immediately applied to prevent or defeat them, is desirous, that this House will enable him to defray any extraordinary expences incurred, or to be incurred, on account of military services, for the year 1777, and as the exigency of affairs may require: and his Majesty doubts not but that his faithful Commons will enable him to make good the charges attending the calling in and recoining the deficient gold coin, in pursuance of an act of parliament passed in the 14th year of his reign, which remain unsatisfied, and which cannot at this time be ascertained."

In consequence of this Message, the sum of one million was granted.

*Debate in the Commons on the Affairs of the East India Company.**] May 21. The House resolved itself into a Committee of the whole House, on the Affairs of the East India Company.

Governor *Johnstone* opened the business, by recapitulating the eminent services of lord Pigot, when he formerly commanded as a military officer in the East Indies. He pointed out the several transactions his lordship had distinguished himself in; and closed his character by attributing to his prowess, military skill, and several other great and amiable qualities, that we now possessed a foot of territory in Asia, or perhaps even a permission to trade there. From establishing his lordship's character on the highest pinnacle of that species of fame, which is supported equally by the mild as the heroic virtues, the governor took a view of the state of affairs in India, beginning at the system growing out of the treaty of Paris in 1762, and ending with the latest dispatches received, either from lord Pigot or the council of Madras. His facts, his detail, his arguments, and deductions, were uniformly directed to establish two leading points. One was, that the nabob of Arcot, by his instruments in this country, and by the powerful arguments used by that prince, of which his ambassadors were the bearers and enforcers, had formed a very powerful party in his favour; the other, that by similar means and arguments, and agents of a similar size and talents, he had been able to form a party in his favour in the council at Madras. Though the objects were twofold, and seemingly distinct, the end proposed was the same; the disgrace of lord Pigot, as the first necessary step to the advancement of the nabob's interest, that of acquiring possession of Tanjore. There must be an union of sentiments and interests, both here and in India, to effect this favourite scheme. The act of the council alone might answer a temporary purpose; but as soon as government was restored, justice would be done; the usurpers would be disgraced and punished; the nabob would be disappointed; and Tanjore would be restored to its lawful sovereign. Take the event in another point of view: if administration, operated upon by the same powerful arguments of the nabob's agents here, had raised a faction among the proprietors to support that prince's pretensions to Tanjore; and by their cabals in Leadenhall-street, had prevailed either on the court of directors, or the general court, to send out counter orders to lord Pigot not to execute the first, but undo what he had done, still the restoration of the rajah would have been effected, the business would have been already done, by the full and complete cooperation of the council: so that a change of measures diametrically opposite to those just executed, would be dangerous or impracticable; and the views of the nabob would have been defeated in either event. But government having been brought over here, co-operated with the faction in council at Madras; and by its influence in Leadenhall-street, prevailed on the proprietary to endanger their own interest, from motives of immediate convenience, and by that means to disgrace an honourable and able servant, and sacrifice the rights of a faithful ally, to objects the most base, mean, and ignoble.

After going over this ground, he adverted to the facts, on which the business of the day depended. He said, though the council seemingly unanimous, agreed

* For an account of the Revolution at Madras, and of the transactions previous or relative to the deposing and imprisonment of lord Pigot, see Annual Register for 1777, p. 94.

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to the restoration of the rajah of Tanjore to his dominions, they secretly disapproved of the measure. He pointed out some instances, which proved this assertion beyond question. One in particular he dwelt upon. The former minister of the rajah, when his country was delivered up to the nabob, with his master's consent, became collector, or treasurer, of all the revenues of the nabob. The royal revenues are, in the east, in fact, the rent or produce of the land; the princes in the east being the sole land-owners, or owners of the soil. This man had lived in the above capacity, in the court of Tanjore, for fifty years. When, therefore, lord Pigot restored the rajah, the nabob refused to permit the treasurer to render up his trust to his old master, and commanded him to return to him immediately with his accounts. The treasurer looked upon himself as a servant to the nabob, and was returning according to his instructions. But, the documents in the possession of the treasurer answering the end of title deeds, lord Pigot demanded them for the use of the rajah, and on the minister's refusal, ordered him to be apprehended. The order was not executed by the persons entrusted till the minister had entered into the nabob's territories, out of those of the rajah. This was the great crime urged by the nabob and his agents against lord Pigot, as a breach of the amity subsisting between the Company and nabob; and of the treaty of Paris, in which his rights were specially reserved; and this complaint being countenanced by the council, shewed plainly, among a thousand other proofs, that the nabob was not so much displeased with lord Pigot for seizing the rajah's minister in the Carnatic, as for restoring that injured prince to his dominions in obedience to his instructions from the Company. Besides, his lordship was entirely innocent if the act had been as criminal as represented, for his orders were to seize him in the territories of Tanjore, and not elsewhere; the treasurer's local change was neither thought of or foreseen by his lordship; so that if it was an infraction of treaty, or the laws of nations, his lordship stood equally innocent, within the letter, as the spirit, for he issued no orders to apprehend him in the nabob's country.

The governor took notice of the scandalous means made use of to vilify lord Pigot, and depreciate his character through the channel of the newspapers. In particular, respecting the article of presents. It is true, his lordship did receive a few trifling presents; he wished he had not. They consisted of a cow, an elephant, two mares, and a gold tea service, to the amount of 500*l.* which he presented to his daughter, then lately married. He presumed no man would say these were bribes received on the condition of sacrificing the interests of the Company, or the honour of the nation. The contrary was well known; it was, indeed, ridiculous to dwell upon it. His lordship might have almost any thing he could wish or desire, if he had consented to co-operate in the views of the nabob. The attempts made both in India and here were no secret, whatever the real success of such attempts, in some instances, might be. If, however, the facts could not be proved, the general effects of corruption were manifest. The governor was very jocular on the persuasive powers of the worthy baronet below him, (sir H. Mackworth) and the miraculous effects of his voice, in calling and collecting together persons from the most distant part of the kingdom, from the dock-yards of Portsmouth, Chatham, and Plymouth; from Bristol, Liverpool, Newcastle, and the county of Huntingdon; to do what? The most extraordinary of all extraordinary things, to reinstate lord Pigot in his government, and forthwith to recall him. He pointed out the absurdity of the resolution carried for reinstating lord Pigot; and instantly recalling him, and all those engaged in the subversion of government, under one general charge of public delinquency. Before he sat down, he said, he should move some resolutions; and, if carried, would follow them with a motion, that the chairman do move the House, for leave to bring in a Bill for the better securing our settlements in the East Indies. The governor then moved six Resolutions: the first, approving in strong terms of lord Pigot's conduct as governor of Madras: the second, approving of the conduct of the court of directors; the third, the resolution of the court of proprietors of the 11th of April: the fourth, approving of the first part of the resolution of the 9th of May, for restoring lord Pigot; the fifth, for disapproving of that part of the resolution which orders his recall; and the sixth, approving of the recall of the counsellors, whose names are mentioned in said resolution.

Mr. *G. Rous* seconded the governor. He maintained, that the interference of administration, even independent of its

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power and influence in Leadenhall-street, had reached India, and would probably effect as much mischief in the latter place as in the former. This, he said, had been brought about by more ways than one; but chiefly by the commission from the crown, enabling certain persons therein named to be plenipotentiaries, to treat with the country powers, and enter into treaties with them independent of the Company, and without consulting it. Thus, what was not done in Leadenhall-street, was effectually completed on the spot. The Directors were rendered cyphers at home, whenever they thought proper to differ from administration; their orders were defeated in India, whenever they carried any point here against the sentiments of the King's servants. These plenipotentiaries had done more mischief than perhaps the nation was aware of; they detached the country powers from the Company's servants, teaching them to look up to more powerful assistance. The nabob of Arcot was a striking instance of this. Those plenipotentiaries of the crown had filled him full of ideas of equality and independency; of equality with the King of Great Britain, as a sovereign prince; of independency of the Company, who were but the servants and subjects of his ally. These men, from views of ambition and self-interest, had filled the nabob's head full of similar notions with those they themselves were inspired with. They talked to him of the treaty of Paris, and the guarantee of his dominions by the court of France. Part of the consequences of the spirit thus raised, was the plan agreed upon between the nabob and Mr. Hastings, for dispossessing the rajah of Tanjore of his dominions, and annexing them to the Carnatic. The ill policy and injustice of such an outrage of every thing that ought to be held sacred and binding among men, struck the direction with horror. They heard, with grief and astonishment, that the unfortunate and unoffending Gentoo prince was despoiled of his dominions, on a shameful, barefaced pretence of an arrear of tribute being due to the nabob. The directors accordingly sent out lord Pigot, for the express purpose of repairing the injury, and restoring the rajah to his territories. What has been the consequence of this? Lord Pigot undertakes the execution of the task; he performs it, as far as depends on him, with spirit and fidelity. The effect of this new system of power is suddenly felt; a faction is formed in India, to counteract and defeat the instructions of the court of directors. To let matters rest there, would be only doing things by halves; the new influence created in the country must be cherished and strengthened, by encouraging appeals to Europe. The nabob employs his agents and ambassadors; they conceal themselves for a while, till they form an interest here. One of them, (Mr. Macleane) announces himself as the agent of Mr. Hastings. He acts for him, but suddenly throws off the mask, and declares himself the agent or ambassador for the nabob of Arcot. Thus a faction is formed, fomented, and nourished, both in India and Great Britain; and the proprietors, willing to support their servants from such unconstitutional attacks, resist every attempt to seduce them in the first instance, till at length administration making it a public point, as well as private object, by the full influence of the crown, overturn every thing that had been effected by their directors at home, or their servants in India. He thought the council at Madras had acted from the most factious and corrupt motives: because they agreed unanimously with lord Pigot on the propriety of carrying his instructions relative to the restoration of the rajah of Tanjore into execution; and never differed from him on any general or particular measure concerning it, till Mr. Benfield, on his own account, and as trustee for those who acted along with him, composed the majority of the council, became a mortgagee of the revenues of Tanjore, by having them assigned to him for money supposed to be advanced to the nabob. He observed, that his hon. friend who made the motion stated the particular part of the mortgage belonging to Mr. Benfield, at 30,000*l.* and the whole, for which he stands trustee, at 250,000*l.* but he begged leave to say, that this fell infinitely short of the real sum; for, the actual sum, for which the majority of the council were creditors of the nabob, was upwards of 800,000*l.* which he could shew from proofs not to be controverted. The worst part of the whole transaction, and what corroborated every argument used, and deduction drawn by him, was, that this mortgage, or mock loan, took place after the council knew that Tanjore was to be restored to its rightful owner, which proved two things; that they acted from corrupt motives, in opposing lord Pigot; and that they dared to do so on promises

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of indemnity both in India and England. He wished sincerely that the House would take up the matter distinct from all party considerations.

Sir *Herbert Mackworth* expressed his surprize, that the hon. gentleman should move the present resolutions so late in the session; and said, he was the more surprised, that he should think of bringing the affairs of the India Company at all before parliament, when he recollected for several years past to have heard him uniformly declaim against the interference of parliament in the affairs of the Company. The resolutions of the Company of the 9th of May, had been approved by all independent persons, and only those who had particular connections with lord Pigot, had disapproved. He maintained, that lord Pigot had abused the trust committed to him, and had, contrary to all justice and form, suspended the two counsellors, by a trick as unconstitutional as indecent. He had therefore acted so extremely wrong, that it became necessary to recall him. On the other hand, the behaviour of the counsellors, in seizing and imprisoning lord Pigot, to the total subversion of all legal government, was equally reprehensible. On that ground, the counsellors were likewise ordered to return to this country, to answer for their misconduct; but as the consequences of the misconduct of lord Pigot, in suspending the two counsellors, and thereby obtaining a majority in support of his measures, were not to be so much dreaded as a sudden subversion of government, and an usurpation in consequence of that subversion; to hold out an example, and assert the dignity of government, lord Pigot was restored; but as equally involved in the most manifest violations of the constitution of the Company, and abuse of power, his lordship was included in the public disapprobation such a conduct deservedly brought after it. He defended the logical propriety of the terms in which the resolution at the India House, for recalling lord Pigot, &c. was conveyed. He said, that it might be easily conceived, that a person should be reinstated to preserve certain forms, and to convey a consequential censure, and yet forthwith be recalled. It would be answered, probably, why not, after reinstating lord Pigot, let him remain in his station for a month, or three, or six months, if required? He was of opinion, that as his lordship had abused the powers intrusted to him, he should not be permitted to retain them a day. He then moved, "That the chairman do now leave the chair."

Mr. *T. Townshend* said, the hon. gentleman had observed upon the connections and particular affections of those persons who favoured lord Pigot, and had remarked, that no independent man found fault with the resolutions of the court of proprietors for replacing and then recalling lord Pigot; for his part, he declared himself independent of both sides of the House, neither had he any knowledge of lord Pigot but from his public character, which he had heard was most excellent. As to the India House, he had never been but once at their court, and he then resolved it should be the last time: he was therefore free to declare, that he disapproved the last resolution of the court of proprietors of the 9th of May, but most highly approved the first. It appeared to him, that the restoration of lord Pigot to his government was a voluntary act of the court of proprietors, founded in justice; that the second, for recalling him immediately, was a most absurd contradiction of the first, and a measure brought about by administration; for the nabob was encouraged at home; he had an ambassador here, not indeed with any pompous titles, state, and parade, but a gentleman of abilities, a Mr. Macleane, who he heard, as soon as he had effected the nabob's business by the destruction of lord Pigot, was to return back as ambassador from the King of Great Britain to the nabob. It seemed likewise, that he had a third master, Mr. Hastings, the avowed enemy of lord Pigot, though once his firm friend; that Mr. Hastings had recommended Mr. Macleane to the nabob; and it might fairly be concluded from all this, that his highness and Mr. Hastings were the contrivers of the arrest of lord Pigot. He was severe on the ambitious views of the nabob, on the supineness of the Company's servants at home, and the influence of the ministry over them; in short, he represented the majority to have been collected by the minister's industry for the second resolution of recalling lord Pigot; adding, that he should not be surprised to see Mr. Macleane and the gentlemen of the council, who subverted the government of Madras by the most daring act of violence, brought into parliament hereafter as borough members. So far from thinking parliament ought not to interfere, or that the committee should be

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broke up on account of the late season, he thought parliament had not a moment to lose to prevent a civil war, and the arbitrary power of the nabob. He had voted for the Bill for regulating the East India Company; he thought them competent to manage their trading business, but not to govern large territories independent of the parliament of Great Britain; and the moment they became influenced by the King's ministers, which it was evident they were, it was time to interfere.

Mr. *Wombwell* defended the resolution of the 9th of May; read extracts from two or three of the bye laws of the Company, which directs that the minority of the council shall be bound by the majority; and that when there is an equality of voices, the fate of the question shall be decided by lot; from which he drew this inference, that as lord Pigot had broke through the bye laws of the Company, he had broke through its constitution, and had been guilty of positive and direct disobedience, he was of course no longer worthy of their trust or confidence. He spoke of the flourishing state of the Company; said, he did not wish that parliament should interfere but when there was real occasion, as there was at the time of the regulating Bill, which he called a most wise and timely interposition, which saved the Company and proprietors from dissolution and ruin. The effects were apparent in more instances than one; the proprietors might sleep on their pillows with ease and security: the Company was rescued from impending bankruptcy, and the widows and fatherless from penury and distress. The face of things was now, thank God, altered; the affairs of the Company were in a most flourishing condition. The debts in Bengal were paid off; the investments were made; the bond debts were reducing; in truth, the conduct of the friends of the present motion was uniform in its effects, should their doctrines prevail, though seemingly inconsistent; for as at one time they were against the interference of parliament, when it proved the salvation of the Company; so now they pressed a parliamentary interference, when it promised to be productive of the very worst consequences. He read an extract of a letter, relative to lord Pigot's conduct towards one of the council, a Mr. Floyer, who at first pressed to be sent to one of the out-presidencies, but was refused by his lordship, in order to keep him for the purpose of supporting his measures in council; but as soon as he differed from him, was for getting rid of him, and told him, that no man should ever rise in the service who opposed him. [The House called for proof of this fact, but none was produced.]

Mr. *Fox* opened with a remark as to the objection of bringing on the business at this time of the year; he desired gentlemen to remember that it was in the month of May they voted away the liberties of America, and it was in the month of May they voted the Quebec establishment so contrary to our constitution; he thought no time so proper as the present for the business before them. When a noble lord had suffered a violence unknown under any legal government in the world; had been thrown from his seat of office, arrested, imprisoned, and his life threatened by the military power, trampling upon the civil, it was necessary to make an enquiry how this dark transaction had been contrived, and by whose influence, those who were the principal actors and agents in it, were encouraged both at home and in India. He said it was evident the nabob of Arcot wanted to be master of the East-India Company's affairs; and this he could not effect, without removing a governor sent out express to controul his power. Lord Pigot was the only governor in any part of his Majesty's dominions who had gone out without the approbation of the minister, therefore he must be removed, therefore the agent of the nabob must be countenanced here, and a resolution to recall him be contrived for the purpose. For his part, he saw it was impossible for the muscles of the human face to be kept composed, while such an absurd resolution was read: he never had met with any one man, of any party whatever, who approved it. He had heard, ever since he knew any thing of public affairs, that Tanjore was a rich country, that all the other parts of India had been plucked till they could bear no more, but Tanjore still remained to be fleeced, and would afford fine pickings for the nabob of the Carnatic and his party in England and in Asia. He saw a chain of connection established long since between the nabob and administration, which was now made public by the arrival of the nabob's ambassador, who had not yet declared himself in form, but had been perfectly well received. He justified lord Pigot principally upon the justification and representations of his enemies and persecutors; upon the ac-

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counts transmitted home by Mr. Stratton, and the other counsellors, who stood in the same predicament. He contended, that this was evidence not to be controverted, or explained away. It was a record against the parties, the truth and authenticity of which they could not now dare to appeal from. He said, the effect of this evidence throughout, led to the most certain self-conviction. He gave the highest encomiums on the virtues and military talents of lord Pigot; and was so very able, pointed, convincing, and severe, that several of the members, in a transport of approbation, forgot themselves so far, as to testify it in accents of Bravo! Hear him!—which they accompanied with a clapping of hands [a conduct unprecedented.] He observed, that there was a remarkable deficiency in the House, which shewed the opinion that men in office had of the business. One learned gentleman, the Attorney General, was ill; the next in the law did not chuse to be present, to risk defending such a proceeding as that now condemned; he supposed he too was ill. A noble lord (G. Germain), who was upon every occasion so anxious to discountenance rebellion in the west, might have been supposed an equal enemy to it in the east,—but he also was absent. Many, however, as were absent from this dirty business, there were enough, he feared, present, to insure its success.

Mr. *Henry Dundas* observed, how unparliamentary it was to call on a gentleman for proof of what he said, as if nobody was to advance any thing in that House without proof at hand; and how absurd it was to give the theatrical applause to a gentleman for a ready turn. He remarked, that the resolution of the last court of proprietors was when 700 were present, whereas the preceding one was when there was no more than 500, consequently the last was the genuine opinion; for as to ministerial influence, as he knew not the fact, he could not admit the supposition. The resolution of recalling all, he thought a very wise one, since it was certain they had fallen into many factions; and when once that was the case, no good could be expected from continuing them; besides, the proper enquiry into the transaction could not be had without lord Pigot's assistance here: if it was found he was injured, there were means enough in this country to reward him. Another circumstance was, the impropriety of replacing lord Pigot in a capacity of revenging himself upon all who had offended him: would you let loose Marius on the friends of Sylla? It was not a situation desirable for human nature to be placed in.

General *Conway* lamented the fate of the noble lord, who must continue to lie at the mercy of his most inveterate enemies and persecutors, without a possibility of redress, till relieved by orders to be sent from Europe.

Mr. *Wombwell* rose to explain, and moved, that some of the papers on the table might be read; particularly a copy of the minutes of what passed between lord Pigot and one of the counsellors at Madras, Mr. Floyer, relative to a difference of opinion.

Mr. *Burke* said, he had been twice on his legs; first, when the right hon. general spoke; and a second time, when the last hon. gentleman, a chairman of the East India Company, stood up, to move for the reading of the papers. From that gentleman's situation, and his means of knowing the true state of affairs in India, he expected to have heard something interesting on the subject, and accordingly relinquished his turn; but now that he disappointed that expectation, by forbearing to say a syllable, but to read papers which were open to every member, he was in the judgment of the committee, whether he had not a right to be heard.

Mr. *Wombwell* replied, that he did not mean to fatigue the committee, with reading a voluminous state of facts already known. He only pointed to a particular circumstance which he asserted in debate, and was called upon by the gentlemen on the other side to prove: and wished, therefore, it might now be corroborated by the minutes taken in council at the very time the matter happened; and that in the presence of the parties. It was a collateral proof; it would confirm the conversation which, he asserted, had passed. [The clerk began to read; and the House began to be noisy.]

Mr. *Burke* again rose, and urged his former plea for being heard, in preference to the papers now reading. He said, it was impossible to contend further, the hon. gentleman was in possession; if, however, he intended by that means to tire and thin the House, he was, for his part, contented to wait till all the heavy folios now lying on the table were read through; and, to prepare himself for the task, would send for his night-cap.—[Here a cry of

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go on, go on!] Mr. Burke then proceeded, and in answer to Mr. Dundas, he affirmed, that lord Pigot was a man of too nice a sense of honour to accept of any salvo it was in the power of administration to bestow; even though they covered him with ribbons and court favours, instead of a single ribbon and a pension. He observed, that he never heard of so extraordinary a species of proof, as what the hon. gentleman who moved for the reading of the papers produced. He asserted a fact of lord Pigot's ill treatment of the council, and in order to prove it, he reads a letter from one of the council, that is, from the party, which is another assertion of the same thing. There's proof for you! But it may be complete and substantial, according to the ideas which he recommends to the great body he is at the head of. However, what the gentleman thinks, or what he so proves, is of very little consequence in this business. But the learned gentleman (Mr. Dundas) has attempted to reply to some of the ablest orations that ever were heard in this or any other assembly. The learned gentleman's argument for recalling the whole body, because factions had broken out among them, was, in his judgment, the most frivolous imaginable. If this was to be adopted as a rule of conduct, which it must be, as the argument clearly went to that, all governors and their councils must be recalled as soon as factions broke out, which would be preposterous. If this mode of reasoning was good, the governor general of Bengal and his council, should be recalled, since there were the most outrageous factions among them; accusing each other of the most enormous crimes. Why not recall them? The hon. gentleman knew better; for Mr. Hastings had the nabob of Arcot for his friend; a most powerful friend in the court and ministry of England; so powerful, that for himself, if he wanted any favour of great magnitude, he knew of no canvasser he should so much wish for as that nabob. This same prince of the Carnatic, who, it was plain, would soon be our master in all those territories, would be delighted to hear the doctrine laid down by the learned gentleman, that governors, &c. are to be recalled when factions arise in their councils; for he would never find the least difficulty in bribing a majority, the moment a governor should be hardy enough to oppose his will: his treasures would at once secure factions, and factions would secure his recall, which would be a very pretty situation for any governor and council to be in. The learned gentleman's other arguments of not restoring lord Pigot for fear of his revenge, was of the same complexion. It was surprizing so learned a gentleman should use no arguments but what went too far; they proved so much, that they tumbled all proof about his ears. So a governor is to be illegally, cruelly, and without any adequate reason, deposed, imprisoned, and his life threatened, by a bribed, corrupted council, and you are not to restore him, lest he then uses his power without moderation! Was there ever so farcical a system! that the principle of doing mischief was to be maintained, and its consequences endured, lest by disarming the authors, and restoring authority to its rightful possessors, you might run the risk of having it exerted too rigidly on the delinquents. If this was logic, there was at once an end of law and justice.

Lord *North* treated the power of the nabob of Arcot, his intrigues in India and England, and the arts of his agents and ambassadors, as the ideal, ill-founded suggestions of ill-informed or designing men. He represented the nabob as a needy, miserable, ill-treated, dependent prince, without power, protection, or internal resources; and therefore, totally unable to either influence or bribe; totally incapable of persuading, by motives of fear, or through the means of influence or corruption. He defended the recall of lord Pigot, and said, his lordship had expressly broke through the late Act for regulating the affairs of the Company, which likewise annexes the punishment to the breach of it. That Act said, "That any governor, or other officer, civil or military, who shall accept of any present after such a day, shall forfeit double the value, and be incapable ever after of serving the Company." This was the letter of the Act, and his lordship had most certainly incurred the penalty and the consequence. It was not a question concerning the *malum in se*; whether accepting the tea service was or was not a crime. It was a mere question respecting the *malum prohibitum*. Had his lordship offended, or not? Clearly, therefore, in that narrow view of the question, distinct from every collateral consideration, he did not see how it could remain a subject of debate for an instant, whether his lordship was longer eligible to serve the Company in any civil or military capacity.

Mr. *Dempster* said, the noble lord's ar-

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gument was a mere quibble, applied to the case of lord Pigot, and the character and situation of the donor. He attributed the whole of the troubles at Madras to the intrigues and corrupt arts the nabob used to raise a faction against his lordship, both here and in India.

Mr. *Macdonald* allowed, that there were strong reasons to believe the council were influenced by corruption; but as there was no direct or substantial proof before the House, the House could only equitably judge according to the proofs on the table, which in his opinion fully justified the resolutions of the general court.

The Committee divided; ayes 67, noes 90. A motion was then made, That the chairman do now leave the chair, which was agreed to without a division. So that the Resolutions were lost.

Debate in the Commons on the Servants' Tax.] May 26. In a Committee of the whole House on the Servants' Tax Bill,

Sir *Charles Bunbury* moved to add, after the word 'servants,' the words, "of 16 years of age and upwards." In opening his motion, he said, it was impossible to consider of the taxes without turning his mind to the occasion of them. That the American war, though begun upon the justest principles, was no longer justifiable in prudence or in policy; that he thought it necessary before the close of the session to declare his opinion upon this important subject, lest administration should be misled, and imagine that all those who, like himself, had supported government in this unhappy contest, were of the declared and uncontradicted opinion of that hon. member, a brother country gentleman (Mr. Vyner) who, on the day the army was voted, had conjured the noble lord (North) to remember that taxation was the object of the war; that in hopes of forcing the Americans to contribute to the public burthen, he then voted for the large number of troops proposed, and would give 13*s.* in the pound, rather than consent to any peace, if that object was not obtained. I, Sir, (said sir Charles) who am, I flatter myself, as zealous a friend to government and my country as the hon. gentleman, who have as high an opinion of the abilities and good intentions of the noble lord at the head of administration, do implore him, not to remember, but forget the object of the war; and being convinced, that a continuation of this disastrous contest must be ruinous to Great Britain, do beseech him to use that influence he so deservedly possesses with his gracious sovereign, to induce him to offer such terms to the deluded Americans, as may regain not only their obedience, but affections; to intreat him to employ his faithful servants, sir William and lord Howe, as ambassadors rather than warriors, as ministers of peace, not as ministers of vengeance. Let the noble lord indulge his own humane disposition, as I trust he will, in following this advice, he will not only meet with the zealous support of an unimportant individual like myself; he will, I am confident, meet with that of a large majority of this House; and what is still more, he will be gratified with the most pleasing of all rewards to a liberal mind, the heart-issuing applause of an approving and grateful nation. I profess I am not so sanguine as to expect a revenue from a ravaged and impoverished country; I am not so obstinate as to persist in playing a game, at which I am convinced I must be a loser; I am not so fine a gentleman, as to despise the vulgar adage, which tells us, "It is folly to throw good money after bad;" I am not, therefore, for squandering any more solid British guineas, with the doubtful and distant hope of hereafter obtaining some flimsy American paper; I am not for lavishing more millions in search of a peppercorn, which perchance we never may be able to wring from them. It is, indeed, Sir, a melancholy consideration to those gentlemen who many years ago voted for laying a duty on stamps in America, that in pursuit of that object, unhappily entered into, and fatally persevered in, we are now on the eve of deliberating on a Bill for laying an additional duty on stamps in Great Britain.

It is a mortifying reflection to other gentlemen, who have been led to support this ruinous war, from an idea that the honour and dignity of the country required it; that in attempting to maintain national dignity, they are driven to the necessity of lowering the dignity of the individual man, and that by the proposition of the noble lord now before us, that proud animal is made a taxable commodity, and reduced to the humiliating level of salt, soap, and candles. For man, in this oppressed state, I stand up a feeble but zealous advocate, and trust, if he be not entitled to favour, he will at least have the same measure of justice as his fellow-sufferers, salt and candles; and that an ounce of him

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will not be rated as high as a pound; in other words, that a boy will not pay the same tax as a man.

I cannot help considering this indiscriminate taxation of men and boys, as owing to an inattention in the framers of the Bill, as it is directly contrary to the principle of almost every other tax Bill, in which duties are levied in proportion to the value of the commodity, a principle founded in reason and equity, and sanctified by usage. I beg the House to consider the distinctions made the other day by the noble lord when he stated the new duties upon the different kinds of glass—the green, the crown, and the plate glass; the duties were proportioned to the value and the size—the mode was universally approved, but I apprehend it would have caused general astonishment if the noble lord had proposed to lay an equal tax on the magnificent plate glass which adorns the stately drawing-room of the fashionable dame, and the little square bit which in the servants' hall enables her footman to tie his bag on. And yet this proposition would not have been more inequitable than that now under consideration, whereby you are required to pay the same tax for a little urchin, and his lofty, able, and far more useful parent. The boy is certainly an inferior and less valuable servant, he ought then to be taxed in proportion to his worth; that persons, who, from their circumstances, or choice, are inclined to take up with an inferior servant, may not be equally assessed with those whose ample fortunes enable them to retain the most accomplished.

As taxes on inanimate things seem not to suffice, and as this devouring war has already produced this tax upon mankind, if it should continue, which God avert! it is probable you will have other duties proposed on animated beings. If this should be the case, and a statesman was to offer to lay an equal tax on animals in an infant and in an adult state, would you not be shocked with the glaring injustice of such a proposition? Would it not strike you as inequitable and absurd, to levy the same duty on a lamb and a sheep, a pig and a hog, a chicken and a fowl, a gosling and a goose? And surely it is equally unjust to make no distinction betwixt a boy and a man!

The noble lord when he opened this proposition, remarked, that the expenditure of every gentleman was a fair presumptive proof of his income. In this, as a general maxim, I will agree. He added, that the number of servants was a test of his expenditure, and that, consequently, every person paying so much per head for his male servants, would be taxed in proportion to his income. In this additional argument there is much fallacy. The number of servants can never prove the expenditure; it is the quantum of wages allowed to such servants. If ten boys can be kept for the same sum as five men, which (wages, board, and clothing considered, I maintain they may) the gentleman who keeps these ten boys is not richer (to judge by the test proposed by the noble lord, that is, his expenditure) than his neighbour who keeps five men, and ought not consequently to pay a greater tax. It necessarily results, that the number of servants is no test of the expenditure; and I trust the distinction I have contended for, appears reasonable, and that if the exigencies of the state require us to lay a tax of one guinea per annum upon men servants, we ought in proportion to lay a tax of half a guinea per annum on every male servant under the age of 21. But as this regulation may occasion more difficulty in the collection, and as the laying any tax upon youths under 16, who are of little service in families, may prevent their being taken into gentlemen's houses, as they now very frequently are, in compassion to the indigent parents of such poor boys, I propose that all male servants under 16, should be exempted from paying any tax; and in compassion to the state (which is indeed an object of pity whilst this wasteful war continues) that those of 16, and upwards, should pay the full tax of one guinea per head, as if they were arrived at the age of 21.

Mr. *Vyner* said, that though he should be convinced by the hon. baronet very readily, if he gave his opinion about a horse, provided he was sincere; yet he was not persuaded by what he had said, to give up the American war, though he wished to see an end of it; neither did he insist upon taxation as the mode of revenue; but if it could be got in the way of trade, or in any other mode, it would satisfy him: but for the present, till something could be obtained, the war must be supported; and therefore he was against the motion, thinking the tax a very proper one, and the more so, as he believed it would be a very productive one.

Mr. *T. Townshend* was glad to find country gentlemen coming to their senses

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so far, as to see the fatal consequences of this American war, which he was sure they would do more and more; and that Mr. Vyner, though he would not be persuaded by any arguments, would by his feelings be induced to give up the war, as well as the causes of it; but that he, as to the motion, was not convinced so far, as to approve of it, though he rejoiced at finding the sentiments of gentlemen changed, which he believed would be the case more and more every day; that he rather liked the tax, especially because he thought it would be a productive tax.

Lord *North* hoped the opinion would not prevail generally, that the tax on servants would be so productive. He hoped it would answer the sum it was taken for, but begged it might not be taken for granted, that a tax which was merely experimental would turn out so abundant. As to the motion, he was against it, as it might affect the tax; nor did he see the analogy of the argument to the tax, for it went rather to the weighing boys, which perhaps the hon. baronet might be used to, with lambs and chickens, and taxing them proportionably, than to exempt them; and that as he thought they were taxable objects, he was against the motion.

Sir *George Yonge* begged leave to join issue with the noble lord in that part of the argument, which fixed the merits of the question upon the consideration of boys being taxable objects. It was not fair to the argument, to rest it solely on the invidious part of the consideration, which respected boys kept for horses at Newmarket; he was no friend to Newmarket, never was there, and never would be there for the purpose of gaming or running horses. He thought the question truly stated, was, whether boys were taxable objects? To determine this, the sense and spirit of the legislature ought to be consulted, which upon no occasion had considered boys as public objects, on which the law ought to fall.

Mr. *Fox* said, he thought boys ought not to be taxed; though he might be thought to speak partially, yet he meant to shew, that lord North's argument was not conclusive.

The Committee divided; for the motion 17, against it 101.

Proceedings in the Commons on the State of the African Company, and of the Trade to Africa.] May 23. A Petition of John Bourke and John Barnes, members of the Committee of the Company of Merchants trading to Africa, was presented to the House, and read; setting forth, "That the petitioners are committee men for the direction and management of the affairs of the African Company, under the authority, and according to the provisions, of an Act passed in the 23d George the 2d, intituled, 'An Act for extending 'and improving the Trade to Africa;' and that the present Committee doth annually receive from parliament considerable sums of public money, for the faithful application of which they are responsible; this public money they would be most unworthy to hold, and it would be highly improper for the House to intrust it in their hands, if they stood justly chargeable with any abuse whatsoever; and that the petitioners having a legal tenure in their said corporate office, during the term, and under the conditions, appointed by the said Act, are, by the law of this land, intitled to protection for their corporate character, without which protection they will be unable to perform their duty; they have also a property equally to be protected, by the same law, in their honest fame and reputation as private citizens and merchants; their private credit, they humbly represent to the House, must be affected to their extreme detriment, should any misconduct or unfaithfulness, particularly in a pecuniary and commercial trust, be publicly imputed to them, and not publicly disproved; and that the petitioners observe, with the utmost concern, a paper laid before the House, purporting to be 'A Return from 'the commissioners for trade and plantations, relating to the general state of the 'trade to Africa, and signed George Germaine, Soame Jenyns, Robert Spencer, 'Bamber Gascoyne, Whitshed Keene, C. 'F. Greville, and William Eden;" and that, in the said Return, the following heavy charge against the Committee for conducting the said trade is made, and pretended to be supported by evidence, viz. 'It appears, so far from this trade' (meaning that part of the African trade under the direction of the committee) 'having 'been carried on in a free and open manner, for the benefit of the public, according to the intention of this honourable 'House, and agreeable to the spirit and 'tenor of the Act which constitutes the 'present committee, that a private trade, 'directly tending to a monopoly, hath 'been set up and established by the governors and chiefs of the forts in Africa;

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'and that this private trade, so injurious 'to the interests of the public, hath been 'carried on by them in conjunction with 'persons at home, some one or more of 'whom have at the same time been mem-'bers of the committee above-mentioned;' and that the petitioners, members of the present committee, deliberately weighing and considering all the particulars and circumstances of the said charge, do affirm to this honourable House, that the same (so far as the petitioners are, or may be, comprehended therein, by participation, connivance, or neglect) is absolutely false; and the petitioners, in justice to the character of Daniel Wier, esq., commissary-general in America, a member of this committee, and now abroad on his Majesty's service in a most important trust, do assure this honourable House, that they have abundant reason to be persuaded, that the said charges, with regard to him, are equally groundless and injurious; and if any other committee-man has acted contrary to his duty, and contrary to the true intent and meaning of the said Act, the petitioners are not acquainted with or privy to the same; and that the petitioners, with the feelings of injured, and the confidence of innocent men, do supplicate from the House a full and strict enquiry into their conduct, offering themselves to the heaviest punishment which the just indignation of this House can inflict, if any part of the said charge, so far as regards them, can be made good by the said commissioners of trade, or by any other persons, and most humbly request, that they may be confronted, as the rules of justice require, with their accusers; and the petitioners, in order to facilitate the inquiry of this honourable House, do wave the privilege of all accused persons, in not being compellable to answer such questions as may criminate themselves, and are ready, most cheerfully, to give full and satisfactory answers to all interrogatories, without exception, which this House, or any committee thereof, shall think proper to propose to them; and that the petitioners represent to this honourable House, that the said commissioners of trade are appointed, by the African Act aforesaid, supreme judges and comptrollers in all cases of abuse or misbehaviour in the African trade, with the fullest powers over the committee and all the servants of the Company, without exception, and are authorized by the said Act, 'to remove any of the said com-'mittee-men, or any servant appointed by 'them, who shall be guilty of any misbe-'haviour contrary to the true intent and 'meaning of the said Act;' and, in order to enable the said commissioners of trade to execute with effect the said trusts and powers, the petitioners, as members of that committee, are also directed, by the Act aforesaid, to give to the said commissioners 'a just and perfect account of all 'their transactions, once a year, or oftener 'if thereunto required by the said commis-'sioners, or any three or more of them, in 'which shall be contained an account of 'all the monies received and disbursed by 'the said committee, or their order; and 'also an account of all the orders and in-'structions given by the said committee, 'as well to their officers and servants in 'Great Britain, as on the coast of Africa, 'and all the answers given thereto by the 'said officers and servants employed by 'the said committee, and of all other mat-'ters and things whatsoever, which shall 'be transacted by the said committee;' and now the petitioners most humbly represent to this honourable House, that, if there be a foundation in truth for the many and most gross abuses stated to be prevalent in the management of the Company, by which the African trade is asserted in the said return to be so much impaired and endangered, the means of redress and correction have always been in the hands of the commissioners themselves; and the petitioners humbly conceive, that it is a most unwarrantable proceeding in the said commissioners, who are authorized by act of parliament to judge the committee-men, and to punish them if delinquents, to omit the performance of this duty, and to charge those whom they had power to order and control, with the consequences of their own neglect; and that the punishment and remedy, appointed by act of parliament for such misbehaviour as is stated in the said return, is to remove the committee-men charged therewith from their employments; and the mode of proceeding prescribed by the Act is, that 'whenever any committee-man shall 'be charged with misbehaviour in his em-'ployment, the commissioners for trade 'and plantations shall summon such com-'mittee-man to appear before them, and 'shall, in case he attends, hear the said 'committee-man, and upon his attendance 'or default, examine into the truth of the 'said charge before they shall remove him 'from his employment as aforesaid;' but the petitioners represent to this honourable

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House, that the commissioners of trade, instead of summoning and hearing the petitioners, and removing or acquitting them according to their deserts, did, contrary to the true intent and meaning of the said Act, and to all the rules of equity and justice, institute of their own authority a secret inquisition, and did privately examine Richard Camplin, secretary to the said committee, and did, without any warrant from law, as the petitioners conceive, enjoin him to keep secret the matters on which he had been examined; which injunction the said Richard Camplin did comply with, and refused to give the petitioners any information thereof, although by his duty, as the confidential servant of the African Company, he was bound to inform them of any accusation or proceedings against them; and when the petitioners did repeatedly desire of the commissioners of trade, that they might have a copy of the said report, or the heads thereof, the said commissioners did absolutely refuse to comply with the said just and reasonable request; and that this method of proceeding is not only injurious to the petitioners, but tends to misinform and misguide this House; the order of this honourable House, is, to lay before them a general state of the trade to Africa; the return is a partial state, relating only to that particular district which is under the management of the African committee, which, the petitioners assert, must tend to produce a fallacious and delusive state of the said branch of commerce; and the petitioners most humbly conceive, that, even supposing this return did not contain matter tending to criminate any persons in a public trust, yet, as a mere state of the trade, it ought to have been formed on some sort of examination or inquiry of the committee-men, who are chiefly concerned in the management of that trade; by declining this natural, obvious, and necessary inquiry, and by proceeding in a secret and surreptitious manner, the petitioners assert, and engage to prove, that a most erroneous as well as imperfect state of the African commerce, is laid before this House; for the petitioners affirm, that the said trade, until the troubles in America had come to their height, was in a most flourishing and growing condition; and that, therefore, all causes assigned for its decay must, as such, be improperly assigned, the effect itself not existing; and that the petitioners do not assert that, in such a remote and complex object as the trade and settlements under the management of the African committee, no abuses or errors whatsoever do now, or have at any time prevailed; but they do insist, that no abuses have ever been complained of, and proved to them, to which they have not given such remedy as the case required, or their legal authority did admit; and they most humbly submit to the wisdom and justice of this House, the mischievous consequence inevitable to every administration of public affairs, from the highest to the lowest, if persons shall be encouraged to pass over the proper department for complaint and redress of grievances, and then to criminate, for a defect of such redress, that office to which application has never been made; and the petitioners cannot avoid observing to this House, that, in the vast multiplicity of abuses, grievances, and mismanagements, with which the said return is filled, scarce one date, place, or person, is specified, so as to enable the petitioners to discover the delinquents (if any delinquents there be), or to remove the abuse (if any abuse exists), nor have the commissioners of trade thought proper to communicate to the committee the names of the accusers, or the particular circumstances of the accusations, by which alone the nature of the charges could be ascertained, or their credibility established; the petitioners therefore do most humbly and earnestly implore the justice of this honourable House, that, for their present defence and future direction, the whole of the evidence on which the said return has been founded, together with the names of those who have witnessed the said several facts, be laid before this honourable House, or be made otherwise accessible to the petitioners, as they find themselves much injured, and the trade under their management greatly misrepresented, by the said loose and general charges; and the petitioners, lastly, beg leave to represent to this honourable House, that, in the confused body of matter contained in the said return, several things are alleged as grievances, which the petitioners have always apprehended, and do still conceive, to be strictly legal; and other matters and practices are complained of, as detrimental to commerce, which the petitioners apprehend to be extremely useful, if not necessary to it; these last matters the petitioners do request leave to state at the bar of this honourable House, most humbly desiring

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the opinion of this House on the merits of the same, being determined to proceed in all things in the most exact conformity to the sense of this House; the petitioners therefore humbly pray, to be heard by themselves and their counsel, against all charges directly or indirectly made against them, or against the general administration of the African Company, in the said return, as also to the state of the said trade, and to all other matters and things stated in the said return, or the papers thereto annexed, in order to obtain thereby the exculpation of their injured character, and such other relief as this honourable House in its wisdom shall think fit to give."

May 28. A Petition of Gregory Olive, John Taylor Vaughan, Arthur Jones, and James Bogle French, was presented to the House, and read, setting forth, "That the petitioners are of the nine persons annually chosen by the company of merchants trading to Africa, constituted by an Act of 23 Geo. 2, and are trustees to receive, apply, and account for, the monies granted by parliament for support and maintenance of the forts and settlements upon the coast of Africa, and to superintend the conduct of that company's servants, to whose care those forts are committed, subject to the controul of the lords commissioners for trade and plantations, who are by that Act directed, upon complaint of misbehaviour in any of the said committee, to examine into the cause of complaint, and, after hearing of the party in his defence, to dismiss him from his office if he shall appear to have deserved such punishment; and that, to the best of the petitioners' information, recollection, and belief, there has not been, from the time of that company's being formed, now 27 years, a single instance of the dismission of any of the committee; nor has there been, for some years past, any complaints to them, of the behaviour of the company's servants; and the petitioners, conscious of their own integrity, and fully persuaded of that of the rest of the present committee, take upon them to aver, not only the whole are innocent, but have executed the functions of their office with the greatest fidelity, and to the extent of their ability; notwithstanding which, the petitioners have the grief to observe, a paper has been laid before the House, intituled, 'A Return made by the lords 'commissioners for trade and plantations, 'to the honourable House of Commons, 'relating to the general state of the trade 'to Africa,&c.' purporting, that the African committee, and other the said company's servants, have been guilty of great malversation and mismanagement, without stating either the names of the accusers, or any circumstances of the accusations sufficient to enable the persons also indiscriminately accused to manifest their innocence; and the petitioners apprehend themselves bound to observe, the said return contains many matters, stated as abuses, which are not so; and that the mode of enquiry, adopted by the lords commissioners for trade and plantations, has been very unusual, and, as the petitioners conceive, highly unwarrantable; the committee having been refused to be heard, either in explanation or defence, touching the allegations in the said return; their secretary, attending with their books and papers by their orders, having been enjoined secrecy by the said lords commissioners in this matter of public enquiry; and the whole evidence on which the said return stands founded having been taken in private, and remaining concealed; and the petitioners are further impelled, by desire of performing their duty, to aver the direct tendency of the said return is to misinform, misrepresent, and mislead, all which they attribute to the committee not having been permitted to confront the accusers, nor examined in reply to the accusations; and therefore praying the House will order the whole of the evidence taken by the lords commissioners for trade and plantations, in the course of this enquiry, may be produced, and made accessible to the petitioners; and that they may be heard by themselves or counsel, at the bar of the House, concerning the same and the said return, on the part of themselves and the rest of the committee of the company of merchants trading to Africa."

Ordered, That the said Petitions be referred to the consideration of a Committee of the whole House.

On the order of the day, for the House to resolve itself into a Committee of the whole House, to consider of the Return from the Commissioners for Trade and Plantations, to the House of Commons, in consequence of the Address of the said House of the 29th of January last, relating to 'the general State of the Trade to Africa, the condition of the forts and settlements there, belonging to the African

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company, and in what manner the several sums of money granted by parliament for maintaining and supporting the same, have been applied,

Mr. *Temple Luttrell*, who was himself the original mover of the consideration of this Return, rose to object to the Speaker leaving the chair; apprehensive lest, by a long train of crimination and defence of the parties therein charged, which might perhaps take up the few days that remained for public business, the main object of the legislature, the general state of the African trade, would be totally lost sight of for the present session. He strongly reprehended the commissioners of trade and plantations for bringing in an abstracted, partial report relative to scarce one-fourth part of the whole African commerce, (considering either extent of territory and coast, or present returns of profit) when the Address from parliament to the crown, for an enquiry into the trade of Africa altogether, was as clear and peremptory as the English language could express. He was indeed of opinion, that, with such strong charges against the gentlemen of the committee, individually on the part of a public board, and some of which gentlemen he knew bore in the world a character perfectly respectable, (one of them an hon. member of that House) they ought, in justice and in humanity, to be fully heard in their defence; but he could only consider that defence as a secondary object with parliament, and as such was ready to give it all due attention. The primary object, a most necessary and essential one at this juncture, was the preservation and improvement of the African trade.

The African trade is certainly a matter of the first importance to Great Britain; and not become the less so from the decline of our commerce in every other quarter of the globe. When he reflected how essential it was to our national revenue, to the sale of many articles of our Indian imports and home manufactures, to our mercantile navigation and naval power, and to the existence of our American islands, he could not but express his astonishment, that the ministers should not much earlier have made it a business for their most serious attention. For government to have left the trade of Africa in the condition it has been for some years past, he considered not only unwise but unpardonable. He begged the indulgence of the House, while he took as concise a view of the general state of our commerce to that part of the world, as the nature of so diffuse a subject would admit of. He should be led to touch on many gross errors among persons in power, and much state impolicy, as well as abuses of individuals, which have conspired to bring your traffic with the natives along that immense stretch of coast, to its present disadvantageous and ruinous situation. He would then humbly submit to their consideration an idea or two which arose in his mind, towards re-establishing our commerce in those parts, and which, in all probability, might tend to give it new life and vigour. The British trade in Africa (following the many bays and headlands) extends near 9,000 of our miles, viz. from Port Sallee in South Barbary, to the Cape of Good Hope. The first trade worth mentioning, carried on with those people, was in the reign of queen Elizabeth; anno 1587, a company was established to Senegal and Gambia, with various exclusive privileges; under James 1, Charles 1, and during the Protectorate, merchants adventurers were encouraged to carry on an open and general trade; and many persons of exalted rank and character had specific and exclusive grants for the Guinea countries; a fort was erected at Cormantine, on the gold coast, and another on the Gambia river. Soon after the Restoration, a royal African company was formed; the duke of York being governor: but the jealousies, insults, and depredations of the Dutch greatly injured those new projectors, and in no trifling degree contributed towards our first naval rupture with the United Provinces. De Ruyter, and other active sea commanders of that republic, demolished our forts and settlements, and committed hostilities of such weight and consequence, that the succeeding peace in 1667, afforded but little relief to our traders; so that when the second war was declared against Holland in 1672, the then joint stock company, with extreme readiness, relinquished and assigned over their rights and possessions, to a new royal African society of merchants adventurers, who were also under the duke of York in character of their governor. In 1697, parliament laid open the African trade to British subjects universally. The last royal African company being under great difficulties, in 1730, 10,000*l.* was allowed by the legislature towards supporting the forts and factories. In 1749, and the two following years, satisfaction being made

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to the royal African company, their forts and effects were vested by parliament in a company of free traders to Africa, under the direction of a committee, from Port Sallee to the Cape of Good Hope, open to all British subjects; but that part of the western coast which lies between Cape Blanco and Cape Rouge, is, by an act of parliament passed in 1765, vested in the crown; and from Cape Rouge to the Cape of Good Hope, where there are forts, remains under the committee, the members of which are not suffered by law to trade in their joint capacity, neither ought they, directly or indirectly, in their distinct capacity. Three of the nine committee men are chosen for London, three for Bristol, and three for Liverpool; the only towns that have a trade to that part of the world, excepting Lancaster—comparatively with the rest scarce worth noticing. The Act of 1749 requires these committee-men to be chosen annually by persons trading, or intending to trade to Africa: 40*s.* is the qualification necessary by that Act to capacitate a freeman to vote. Through indirect artifices, and venal influence, the real and substantial African traders are deprived of an effective choice. The choice depends on the occasional suffrages of certain corrupt persons, and needy hirelings. Hence, in 1772, no fewer than 1,425 names were on the register of freemen of the London trade to Africa, scarce 100 of which had ever been interested in any African ship or African commodity; and not 50 of that 100 were actually in the least shape concerned in the African trade at the time of voting. In 1771, 194 freemen were added to the list in one day, many of whom were members of parliament, others were East India directors, not a few tavern-keepers, shoe-makers, butchers, barbers, lamplighters, pastry-cooks, persons under age, and persons without any known residence or occupation—a most singular and curious medley of commercial adventurers! The trade of the ivory and gold coasts, which is more immediately the object of the committee's administration, has very much decreased of late years, while the general trade of Africa, south of the gold coast, has exceedingly flourished; and about the commencement of the present King's reign, and till 1771, inclusive, improved to a prodigious amount. The African trade gave about that time to Great Britain 2,000,000*l.* sterling per annum, employed 50,000 ton of shipping *communibus annis*, and furnished your colonies with 40,000 labourers: from 1735 to 1763, from the gold coast, at an average, were shipped yearly 13,000 negroes; and in 1752, Liverpool sent 32 large ships to the gold coast, of 58, from that port, fitted out for the whole African trade, and those 32 ships got 8,232 negroes. In 1771, when our trade to Africa was in the greatest height of its prosperity, insomuch that 195 vessels were employed in it from Great Britain, besides between 60 and 70 from the continent of North America, although Liverpool alone counted no fewer than 106 of the number, only 14 could be supplied at the gold coast, and those 14 procured but 3,400 slaves. Six thousand slaves is the utmost calculation of what we now purchase annually on the gold coast, exclusive of the Benin and Callabar negroes, who are frequently moved towards the north west to enhance their value. The quantity of gold brought home to England in the time of the royal African company, amounted to near half a million sterling per annum, reckoning from 120 to 150,000 ounces; an article, which now is so far from being productive, that you are obliged to carry gold to the African markets. And your ivory trade is likewise gone to nothing. In 1749, at the establishment of the committee, gold was estimated under 42*s.* per ounce on the coast; it is now above double that value. An able male Anamaboe slave was rated at between 9 and 10*l.*, and sold in the British West Indies for 29*l.* or 30*l.* Last year a negro of the same description came, at first cost, to 27*l.* 18*s.* and fetched in the island of Jamaica, near 50*l.* sterling. On the gold coast are 11 forts, (between Cape Apolonia and the river Lagos) three of which are, in the opinion of many intelligent persons, utterly unnecessary, except as marks of possession, and two have hitherto most frequently proved hurtful to your commerce; 13,000*l.* per annum has been usually granted by parliament for several years past, and often 15,000*l.* to support these forts, which still remain, according to the last account given in by captain Cornwallis, in a very ruinous, filthy, and indefensible state, having, some of them, neither artillery nor ammunition, though their maintenance has cost the nation since the dissolution of the last joint-stock company, more than 360,000*l.* sterling. Instead of drawing awe and respect from the natives and rival states of Europe, who have garrisons and factories

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within gunshot of yours, they only attract insult and ridicule. They have chiefly been used as warehouses for the very worst species of monopoly—a monopoly carried on by public servants under the colour of legislative authority, and rather for the destruction than for the protection and safeguard of the free British trader. I am confidently assured, that the expenditure of little more than 1,000*l.* per ann. for each fort one with another, amounting to between 7 and 8,000*l.* for the only forts of real necessity or local strength, would be amply sufficient, according to their present scale of magnitude and establishment. I am disinclined to advance any more money to be vested in goods, and disposed of at the discretion of these monopolists, and to encourage the like abuses. They were not warranted in an anticipation of the annual gift of parliament, which, indeed, ought to have been put in another channel long ago, unless a more satisfactory account could have been produced of prior expenditures. The servants of the committee pretend to have an out-standing demand on a balance of scarcely less by this time than 20,000*l.*; if you remit the money they are now solicitous to obtain, we can easily conceive to what purposes it will be applied; not a shilling to the forts and settlements. The African committee (I understand by the committee, the directors in general of the African trade, where there have been any forts for these last 26 years, not meaning to criminate, nor to exculpate the present gentlemen individually, whose conduct remains for trial, in consequence of the present report upon your table), I say, Sir, the African committees have acted contrary to the trust reposed in them, they have been certainly abettors of the guilt, if not principals in it; have misconstrued the import and spirit of the Act, which was however very absurdly worded;—they have perverted the true intent of the legislature; have acted diametrically contrary to the real interest of the nation, and nearly annihilated your trade; neither can so destructive a system of folly and mismanagement be too soon abolished.

I should humbly presume that, the best policy we can now devise at the end of a session, will be to admit a preparatory motion toward annulling next year the Act of 1749, and bringing a new Bill into parliament, for constituting the African trade on better principles of policy, such as may render it as humane and equitable as the nature of the traffic will allow of towards the natives of the country, advantageous to the British adventurer, tending to the prosperity of your general commerce, and to the support and benefit of your West-India islands. I conceive it will be found the most eligible measure to create and establish two distinct companies trading on a joint stock: one company for the northern nations and districts, who chiefly follow the Mahomedan profession, and speak certain Moriscan dialects, derived from the Arabic language, and who occupy an extent of coast of about 2,000 miles; reaching from Port Sallee to the river of St. Paul. The other company of traders, to begin from the said river of St. Paul, and extend to the river Lagos, which takes in all the ivory and gold coast, and includes the southermost of our forts at Widah: this might be made perhaps the richest and most important part of your trade with Africa, and runs nearly from west to east 2,000 miles, the rest of that continent, comprehending Bonny, both Calabars, the lower Guinea in general, and away to the Cape, that is upwards of 4,000 miles further, I would leave entirely open as it is at present. By this policy there would arise a zealous emulation between two companies, and the open trade to the southward might stimulate each to the most active exertion, and serve as a check to either, or to both conjointly, so as to keep their dealings within limits of reasonable gain. I am clear that true policy will direct us either to a mode of reform similar to this, or else to a free trade indiscriminately to all enterprizers, from one extremity of the vast African continent to the other. But, from the present state of the northern regions and countries of Upper Guinea, as well politically as geographically considered, clear I am that nothing but much labour and industry, and great collective resources, as well as national encouragement and support, can restore our African trade to any degree of value. I think that trade would, constitutionally considered, be much safer, much better managed for the public interest, were it under the governance of a company trading with joint funds, than under the commissioners of trade and plantations, or either secretary of state. I cannot allow that they have at all improved or extended your trade in the Senegambia quarter. Heretofore we had stations and warehouses, and open communications for a variety of traffic 600

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miles up the Gambia river, with no less than 17 regular factories. They fell with the last royal African company, and I cannot learn that any one of them has been recovered by the care of the ministers of the crown. The trade of Senegambia is far from that state in which it ought to be at this day, after costing the nation, in its civil and military establishment, extras, ordnance, &c. since 1766, near 180,000*l.* In the gold coast country, and the interior of those regions, you had in former times roads of communications from 4 to 700 miles in length, chiefly cut through thick woods and defiles; these roads were five in number: and at the end of every day's journey (of about ten or twelve leagues) were store-rooms, houses of repose and refreshment, and British colours flying. These are now mostly choaked up, the buildings deserted and in ruins, the intercourse between Europeans and the inland natives at an end, obstacles still augmenting: but the continual wars that have prevailed for many years past, between the confederate states near the sea coast and the sovereign princes of the interior nations, (wars which have been at times too, not a little promoted and aggravated by the misconduct and bad policy of Dutch and English agents, and settlers) have brought the African trade in such jeopardy, that nothing but a capital joint-stock, properly employed for putting your forts in good order, and re-establishing your power and credit there on such footing as to induce the Dutch cheerfully to go hand in hand with you to open the trade with the Africans, for the mutual benefit of all parties, can avail in the present state of things. Some gentlemen may, indeed, object to the slave trade as inhuman and impious; but let us consider that, if our colonies are to be maintained and cultivated, which can only be done by African negroes, it is surely better to supply ourselves with those labourers in British bottoms, than purchase them through the medium of French, Dutch, or Danish factors; the numbers must naturally much decline, if you were to trust merely to those who are born in servitude from the blacks already seasoned and established in your sugar islands. Indeed, hard as the case of a negro-slave may appear to a free-born Briton at first view, I conceive him to be far less an object of commiseration (his native state and local birthright taken into the comparison) than a poor, impressed sailor within this island; his confinement is not so strict; his discipline not so severe, his sustenance full as good, and his labour, upon the whole, less harsh and burthensome. But, without dwelling longer on that subject, you can have no objection to gold, gums, ivory, wax, dying woods, &c. which may be procured in quantities beyond arithmetical calculation. I have ever comprehended that the African trade takes off a great quantity of your East-India goods, English woollens, and hardware articles, &c. and, at one time, there were circulating in Great Britain 400,000 guineas, made of the gold brought home under the African company, and from whence that coin, I imagine, first took its denomination. These are distinguishable from other current guineas by the figure of an elephant.

So far from expecting the African trade to flourish under the present laws and management, I am confident it cannot, without a complete radical reform, much longer exist at all. The failure of the Joint-stock Companies was not occasioned by the impolicy of their system: the last Royal African Company began with little more than 111,000*l.* and the after demands were not very considerable; yet they expended in Africa, one way or other, and to the great advancement of their own interests and the interests of Great Britain, above 1,400,000*l.* sterling; and when the trade, in king William's reign, was made open and free to all adventurers, more perhaps through Dutch interest than with a view to English policy, the Company divided 40 per cent. on their original stock. After the Act of 1697, the company traded to much disadvantage against the free merchant, having a great establishment to maintain at their several settlements, and the communications to keep open at their charge: besides which a number of pirates did terrible mischief on the gold coast. The African trade is too complicated, too weighty and diffuse for the ministers of the crown to wield: besides, a ministerial board of commissioners is eternally fluctuating and changeable, and has already more to answer for than can be fitly administered: the civilized kingdoms of Europe are so differently constituted, that, by means of a central government, acting with energy and dispatch to its several extremities, and where no extraneous, coercive power is allowed to operate in the intercourses of commerce between nation and nation, excepting by secretaries of state, ambassadors, consuls,

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&c. the case is very different; but, in the dealings of Britain on commercial principles with the numberless savage nations of Africa, there is in general no need of the interposition of the ministers of the crown, further than as public guardians of your rights against the enmity and encroachments of other European states trading in rivalry, and to cover your navigation on the high seas. Let us now see how far our present ministers have fulfilled or neglected these obligations. The fort of Albreda, on the river Gambia, became ours by the treaty of Paris in 1773, when all the dependencies of Senegal were ceded to Great Britain; a right in us which I will undertake to prove clearly to the House, if the fact be denied;—the French have been suffered to continue in possession of it, and from thence carry on a very beneficial commerce. In 1772, a vessel sailed from Albreda on French account, with a more valuable cargo on board than any English ship has ever been freighted with. The Dutch (it appears by the report now in the House) impede by violence your trade with the Portuguese; and these good friends and allies of yours, the Portuguese, are continually confiscating your ships and cargoes when they touch at their settlements. In 1773, the Adventure sloop, capt. Windsor, put in near Zinging shore, with a signal of distress flying, and four feet water in the hold: he had leave to take out his goods, and stop the leak; but immediately on the seamen landing, they were seized and put into a dungeon, where one or two died through extreme ill usage; the rest were indeed some time after sent to Gambia; but the effects of the owners, worth upwards of 2,000*l.* were irrecoverably lost. A still more glaring outrage from the same quarter has recently happened to one of his Majesty's vessels of war, commissioned by our commander in chief on that station. She had occasion to touch at a Portuguese settlement, where she was taken possession of, and all her crew imprisoned; the captain, who (as I understand) became appointed to that post from being first lieutenant of his Majesty's frigate the Pallas, is lately arrived in England from Lisbon, but the men are still prisoners in Africa. This is rather a worse story, taking all its circumstances, than the late capture of the Morning Star by the Spaniards. It is reported that the pretext was similar. She also was mistaken for an American privateer.

But to draw towards a conclusion, let me urge it as the immediate duty of parliament, to take some steps towards the advancement of the general trade to Africa, which may, with proper care, save the *débris* of this once mighty empire, when America shall be no longer ours. If the project of two companies, as I before stated, should hereafter be approved of, perhaps our ministers, by making over the castle, slaves, forts, settlements, and effects, (which belong to the public) may not only be exonerated of further annual charges usually provided for by parliament, but may bargain for the full discharge of the present arrear of debt to the committee and their servants. At all events, I shall beg leave to offer this motion, founded on precedent; and, in my mind, the only salutary project that can be adopted before the approaching prorogation of parliament; however, if by being introduced in the present stage of the business, it can eventually impede a discussion of the crimes alleged against the members of the present African Committee, I shall, in justice to them, readily wave a division upon it till that trial is over. Mr. Luttrell then stated his intended motion, which was to address his Majesty, "to direct the Board of Trade and Plantations to consider all such plans and propositions that may in the course of the summer be laid before them, by the merchants trading to Africa, for the better supporting the forts, and for preserving, improving, and extending the general trade to Africa from Port Sallee, in South Barbary, to the Cape of Good Hope; and to report early in the next session, to the House, such proposal or plan as the said commissioners shall find most proper to answer the aforesaid purposes."

Mr. *Vyner* spoke in high terms of commendation of the foregoing copious and authentic representation of the British trade to Africa, but approved of going immediately into a committee upon the report and petitions delivered in. When that part of the enquiry was ended, he should be happy to second Mr. Luttrell's motion, and did not doubt but it would meet with general support.

Mr. *Bamber Gascoyne*, though a lord of trade, bore testimony to the correctness of the state of the African affairs in general, as stated by Mr. Luttrell. He declared, he had himself for many years past, made this unfashionable topic one of the principal objects of his dispassionate study and pursuit. And assured the House, he

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would undertake to bring every article of the charges contained in the report before the House, home to the committee-men.

Mr. Burke replied shortly, but pointedly, to Mr. Gascoyne; and Mr. Devaynes said a few words in his own exculpation, as a member of the African committee; when the Petition on behalf of the said African committee, to be heard at the bar by counsel, was read, and the counsel called in.

The Return of the Board of Trade was read, stating in substance, That application having been made to the Board of Trade from several persons trading to the coast of Africa, application was made to the noble lord who presides at the head of the American department, who, after some days consideration, referred the contents and facts stated in said applications to the Board. The Report then proceeds to state the proceedings of the Board of Trade, from early in the month of February till the month of April, inclusive. By which it appeared, that Mr. Gascoyne, Mr. Greville, and Mr. Keene, principally attended. Each day's deliberation of the Board, the persons who composed it, the names of the witnesses examined, and the time to which they adjourned, are specifically mentioned. The most striking facts that appeared, or were given in evidence to the Board, were to the following effect: That the African trade was considerably diminished since 1749; but more particularly so within the last eight or ten years. The number of sailors, tons of shipping, and supposed value, were enumerated, to prove the diminution. Several causes were stated, as effecting this alarming decrease; such as the power of the governors of the forts and under officers and dependants; the interference of the people of America, who carried on a direct trade on their own account; the purchasing great quantities of goods for the African market in Holland, and from the Dutch governors in the neighbouring settlements; the increased price of negroes and gold dust; the increased value of piece goods; and the partial, oppressive, and interested conduct of the governors, and other people in power on the coast.

To prove the injury the forts and governors were to the trade to Africa, the evidence of several persons was read, which shewed, that cargoes were easier procured, commodities cheaper purchased, and freight more speedily got, where captains slaved and bartered for themselves, without any assistance or protection from the forts or governors. The governors being all traders on their own account, or factors for their principals here, monopolized every thing in their respective neighbourhoods; and consequently fixed the market, and set the price at their pleasure. On the other hand, if the captains complained of any bad treatment, and sought redress, the black merchants, and those who assisted them, being generally the direct aggressors or instigators of all outrages committed on British subjects; and being, in fact, the servants or agents of the governors, the parties aggrieved were sure to be denied any redress. Nay, indeed, where no governor or visible protection was at hand, the British subjects were generally much readier and more completely redressed; and if the black merchants were willing to trade on their own account, they could not do it; the stock they traded with belongs always to the governor; and if they buy two slaves, the money or value with which they are purchased, is generally advanced by the governor, or some person employed under him or the company.

Numerous circumstances appeared in the Report relative to the comparative value of gold and elephants' teeth, the low price of piece goods, the difficulty of getting slaves in exchange for commodities, and a great variety of other instances, every one of which almost was attributed to the abuses which have arisen in the civil government. In this detail, the particular advantages of purchasing slaves with gold, in preference to goods, was insisted upon as a great grievance, and very hurtful to the trade to that country, to individuals, and to the nation at large. Slaves were generally purchased formerly at 10*l.* apiece upon an average, male and female; whereas now their value was nearly doubled. Narratives were likewise given, of ships sailing from Liverpool and London to Rotterdam, and other ports of Holland, there taking in the greater part of their lading, East India and other goods, and trafficking with them, instead of English, East India, or Manchester goods, of similar fabric. Proofs were given of ships trading directly from Virginia, and other parts of America, and disposing of their cargoes, tobaccos and other commodities, the produce of that country, on the coast, and in return purchasing slaves, and returning whence they came, under the sufferance, or rather the open toleration of the gover-

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nors and other subordinate persons in command.

When the reading of the Report was finished, several witnesses were called to the bar and examined, which produced a perpetual scene of attack and defence by the contending parties, till three quarters after twelve o'clock, when the Committee adjourned to the 30th.

May 30. Sir Henry Hoghton reported the Resolutions of the Committee, viz. 1. "That the words following, in the Return from the Commissioners for Trade and Plantations, namely, 'That a private 'trade, directly tending to a monopoly, hath 'been set up and established by the go-'vernors and chiefs of the forts in Africa; 'and that this private trade, so injurious 'to the interests of the public, hath been 'carried on by them in conjunction with 'persons at home; some one or more of 'whom have, at the same time, been mem-'bers of the committee above-mentioned,' do not relate to any of the nine members who constitute the present committee of merchants trading to Africa. 2. That (it appearing to this Committee, as well from the Return of the Commissioners for Trade and Plantations, as from the evidence produced in support thereof, that several abuses are alledged to prevail in the manner of carrying on the trade of the gold coast and Whydah) it is the opinion of this Committee, that the same may deserve the attention and future consideration of parliament."

The said resolutions were agreed to by the House.

June 2. Mr. *Temple Luttrell* again rose on the subject of the African trade. He reprehended the ministers in vehement terms for not having fulfilled the desire of parliament and his Majesty's instructions for investigating the general trade to Africa, and for breaking up the committee of the House on the preceding debate on this subject, in so hasty, unparliamentary, and indecent a manner. He said, that if the communications were again opened by the Nigris, (or Gambia river) to the mouth of the Nile, perhaps we might one day or other return to the neighbouring regions, now in a rude and savage state of inculture, those sciences, those arts, and models of refined taste, which we, Britons, originally attained from thence, either through the schools of Greece and Rome, or, perhaps still more immediate, as some of the best accredited English historians affirm, who derive the first stock of our ancestors from the coast of Egypt, or neighbouring cities of Phœnicia; that, when those people first traded to the western parts of this island, they were (like us at the present day) in the full height of luxury and commercial policy; the first characters among the ancients cultivated their godlike talents in those climes; Homer, Pythagoras, Archimedes, the divine masters of poesy, philosophy, architecture, and physics, owed more to the lights of Egypt than to those of Ionia, or the Peloponese. In those ages let us view the state in which they found us Britons; we were full as barbarous as we now see the most disgusting figures among them; we dwelt in huts made of mud and the boughs of trees, went stark naked, all to the skin of some wild beast knotted round the waist; we besmeared and lacquered our carcases with grease and various colours; and, like them at this day, inhumanly butchered our captives indiscriminately, sacrificing our chief prisoners in a solemn and sacred pageant at the altar of the idol of Victory. Mr. Luttrell urged, that the consumption, at future periods of our commodities among the Africans could no more be ascertained or limited in reason, by what the several natives of that quarter of the world now require for their present simple and incommunicate stile of living, particularly in the Mahommedan countries north of the river Gambia, than the demands in trade of the natives of Great Britain for subsequent, could have been entertained by the first Tyrian navigators and adventurers who brought hither ther ingenious and valuable commodities, to exchange them with the miners of Cornwall for tin. He could not but consider this business on both sides, to be somewhat similar to the altercation between Peachum and Lockit in the play of the Beggar's Opera; the committee for the gold coast, and the ministers for Senegambia, saw the ill consequences if they neglected to smother all further public enquiry, and shook hands and agreed to be silent on the subject: "Brother, brother, we are both in the wrong!"

Lord *North* excused himself from taking up this very complex and important matter just at the close of a long protracted session, with few members in town, any further than to move for the 13,000*l.* annually granted by parliament, to maintain the forts and settlements under the direc-

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tion of the African committee. This motion, his lordship gave notice, he intended to make on Thursday; but he would take due care that his motion should be so framed, as to secure the application of the said sum solely to the uses for which it was granted by the legislature.

Mr. *Burke* was against revising the state of the trade to Africa in general, for fear of doing more harm than good in these times; he seemed to be apprehensive, that, were parliament to enter on that wide system, their discussions would probably only terminate in government jobs, and putting the trade upon a still worse footing than at present. He was likewise very able and witty on the extensive field opened by Mr. Luttrell in this debate, as to the rude state of our British ancestors, and their primitive descent from the swarthy inhabitants of the confines of the river Nile.

June 5. Lord *North* moved, an humble Address to the King, "That he would be graciously pleased to order the sum of 13,000*l.* to be issued to the African company, for the maintenance of their garrisons, and for the repair and keeping up of their forts, &c. on the coast of Africa; and that his Majesty would be pleased to direct, that the said sum be not applied to the discharge of any arrears of the said Company's debts, contracted prior to the 31st of December 1776."

Mr. *Burke* spoke in favour of the African committee, and defended the conduct of the Company's affairs in general, and the necessity of granting them a still farther parliamentary aid.

Mr. *Bamber Gascoyne* was violent in his censures upon the African committee, and their servants on the coast. He expressed a wish, that the mal-administration of our commerce in those parts might be searched to the bottom, and did not doubt but the House would be satisfied of the necessity of a more correct system.

Mr. *Devaynes* being one of the nine committee-men who have the care and government of the African trade, thought it incumbent upon him to enter on the charges in general, and to make some observations on the accounts. He said much in justification of the committee, and seemed to give entire satisfaction as to what related to himself, and the management of the trade, since he had been chosen a director.

Sir *W. Meredith* expressed himself much in favour of the present system for the gold coast, and southern districts in Africa; and was a zealous advocate for the gentlemen of the committee, whose conduct had been thus severely arraigned.

Mr. *Temple Luttrell* expressed his approbation of the motion, as it effectually secured the 13,000*l.* granted by parliament, to the purposes for which they voted it; and indeed the sum would be indispensably necessary, for you must otherwise abandon altogether your forts and factories, for which you pay every year ground-rent and port customs to the natives. He remarked, however, that the money now given would be for the year 1778. He reprehended the Board of Trade for wasting the whole session in a loose, inaccurate enquiry into the trade of one part of the coast of Africa only, and then coming with their report so late to the House, that there was not time to go into the merits of it. He considered the African company to be in a situation similar to what it was in 1749, when the bad conduct of its servants, and decline of trade, rendered an application to this House necessary, and wished parliament now to do what it did then, call for a general information. I am of opinion, said he, that the trade of Africa will admit of very great improvements, and they are now of the more consequence, because we may not long possess any American commerce; it therefore behoves us well to take care of what is really within our power. The improvement of your marine nurseries, and an extension of your commerce to Africa, may yet maintain the British realm in splendour and prosperity, when her colonies on the other side of the Atlantic are totally separated from her empire; a federal union for the reciprocal interest of two distinct nations, is all you have now to hope for from your seceded provinces. Sir, we have had factories in the internal parts of Africa on the Gambia, near 800 miles from the mouth of that river, to which vessels of between 30 and 40 tons have navigated, and it flows through a country, I will venture to assert, the superior of the North American continent in every commercial light, its influx and ebb almost equal to the Nile for depth and rapidity. The neighbouring regions produce gums of the richest kind, mahogany, cedar, palm oil, and other oils, and all sorts of valuable timber for ship-building; tobacco in the greatest plenty, rice, indigo of the finest sort, pitch, rosin, skins,

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and, in a word, every valuable production we receive from America. This country, which is extremely populous, might be made to contribute in a variety of ways to the support of the commercial interests of these kingdoms. In the slave trade also, there might be prodigious improvements, but the attention of the Board of Trade and plantations in this matter has been too much limited; the negroes from the gold coast suit our West-India islands remarkably well; they are laborious, bold, hardy, and live upon little besides salt-fish and roots, which they meet with in Jamaica. The negroes from Congo, Angola, and the lower Guinea, are of a more soft, voluptuous, and effeminate nature, and their women chiefly till the ground; so that upon being transplanted to the hardships of our sugar colonies, they commit suicide rather than endure them: hence it is that one gold coast negro is worth, for sugar plantations, two of the others; but in North America, where they meet with food and entertainment, and usage better adapted to their habits, they do perfectly well.

Mr. *Burke.* I shall not follow the hon. gentleman in the detail he has given of what might be done; I believe he is very right in a part of what he has told, but I can by no means agree with him, or with any man, that the servants of the Company have behaved themselves wrong; instead of having been wanting in œconomy, they have exerted such an œconomy as this House has not been used to; they have supported eleven forts, ten governors, and the establishments necessary for them, and treaties with the country powers; yet with all this, they are not accused of contracting a greater debt in so many years than 16,000*l.*

Mr. *Gascoyne* seemed to rejoice at Mr. Burke's mentioning the debt as 16,000*l.* and ridiculed the idea of the servants being such faithful ones while contracting such a debt.

Mr. *Burke* retorted upon Mr. Gascoyne's speaking in the stile of accusation, when he was the judge, which he said was such a perversion of the distinctions of judge, jury, and party, that he congratulated his feelings on it. Nature had made him the accuser, an act of parliament the judge; but I hope the gentleman is not my accuser: I thank my God he is not my judge.

Mr. *Hartley* went upon the cruelties of slavery, and urged the Board of Trade to take some means of mitigating it: he produced a pair of hand-cuffs, which he said was a manufacture they were now going to establish.

The Resolution was agreed to.

Debate in the Lords on the Earl of Chatham's Motion for an Address to the King to put a Stop to Hostilities in America.] May 28. Lord Camden acquainted the House, that the earl of Chatham had desired him to acquaint their lordships, that he intended to move the consideration of the American war on Friday next: whereupon he moved, "That the Lords be summoned for Friday next," which was agreed to.

May 30. The order of the day being read,

The Earl of *Chatham* rose and said:

My lords, this is a flying moment; perhaps but six weeks left to arrest the dangers that surround us. The gathering storm may break; it has already opened, and in part burst. It is difficult for government, after all that has passed, to shake hands with defiers of the king, defiers of the parliament, defiers of the people. I am a defier of nobody; but if an end is not put to this war, there is an end to this country. I do not trust my judgment in my present state of health; this is the judgment of my better days; the result of forty years attention to America. They are rebels; but what are they rebels for? Surely not for defending their unquestionable rights? What have these rebels done heretofore? I remember when they raised four regiments on their own bottom, and took Louisburg from the veteran troops of France. But their excesses have been great. I do not mean their panegyric; but must observe in attenuation, the erroneous and infatuated counsels which have prevailed—the door to mercy and justice has been shut against them. But they may still be taken up upon the grounds of their former submission. [Referring to their Petition.] I state to you the importance of America; it is a double market; the market of consumption, and the market of supply. This double market for millions, with naval stores, you are giving to your hereditary rival. America has carried you through four wars, and will now carry you to your death, if you don't take things in time. In the sportsman's phrase, when you have found yourselves at fault, you must try back. You have ransacked every

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corner of Lower Saxony; but 40,000 German boors never can conquer ten times the number of British freemen: they may ravage; they cannot conquer. But you would conquer, you say! Why, what would you conquer—the map of America? I am ready to meet any general officer on the subject. [Looking at lord Amherst.] What will you do out of the protection of your fleet? In the winter, if together, they are starved; and if dispersed, they are taken off in detail. I am experienced in spring hopes and vernal promises; I know what ministers throw out; but at last will come your equinoctial disappointment. They tell you—what? That your army will be as strong as last year, when it was not strong enough. You have got nothing in America but stations. You have been three years teaching them the art of war. They are apt scholars; and I will venture to tell your lordships, that the American gentry will make officers enough, fit to command the troops of all the European powers. What you have sent there, are too many to make peace, too few to make war. If you conquer them, what then? You cannot make them respect you; you cannot make them wear your cloth. You will plant an invincible hatred in their breasts against you. Coming from the stock they do, they can never respect you. If ministers are founded in saying there is no sort of treaty with France, there is still a moment left; the point of honour is still safe. France must be as self-destroying as England, to make a treaty while you are giving her America at the expence of twelve millions a year. The intercourse has produced every thing to France; and England, old England, must pay for all. I have at different times made different propositions, adapted to the circumstances in which they were offered. The plan contained in the former Bill, is now impracticable; the present motion will tell you where you are, and what you have now to depend upon. It may produce a respectable division in America, and unanimity at home. It will give America an option; she has yet had no option. You have said, lay down your arms, and she has given you the Spartan answer, 'Come, take.'—Here the noble earl read his motion:

"That an humble Address be presented to his Majesty, most dutifully representing to his royal wisdom, that this House is deeply penetrated with the view of impending ruin to the kingdom, from the continuation of an unnatural war against the British colonies in America, and most humbly to advise his Majesty to take the most speedy and effectual measures for putting a stop to such fatal hostilities, upon the only just and solid foundation, namely, the removal of accumulated grievances; and to assure his Majesty, that this House will enter upon this great and necessary work with cheerfulness and dispatch, in order to open to his Majesty the only means of regaining the affections of the British colonies, and of securing to Great Britain the commercial advantages of these invaluable possessions: fully persuaded, that to heal and to redress, will be more congenial to the goodness and magnanimity of his Majesty, and more prevalent over the hearts of generous and free-born subjects, than the rigours of chastisement and horrors of civil war; which hitherto have served only to sharpen resentments and consolidate union; and if continued, must end in finally dissolving all ties between Great Britain and the colonies."

The Earl of *Chatham* rose again. The proposal, he said, is specific. I thought this so clear, that I did not enlarge upon it. I mean the redress of all their grievances, and the right of disposing of their own money. This is to be done instantaneously. I will get out of my bed to move it on Monday. This will be the herald of peace; this will open the way for treaty; this will shew parliament sincerely disposed. Yet still much must be left to treaty. Should you conquer this people, you conquer under the cannon of France; under a masked battery then ready to open. The moment a treaty appears, you must declare war, though you had only five ships of the line in England; but France will defer a treaty as long as possible. You are now at the mercy of every little German chancery; and the pretensions of France will increase daily, so as to become an avowed party in either peace or war. We have tried for unconditional submission; try what can be gained by unconditional redress. Less dignity will be lost in the repeal, than in submitting to the demands of German chanceries. We are the aggressors. We have invaded them. We have invaded them as much as the Spanish Armada invaded England. Mercy cannot do harm: it will seat the King where he ought to be, throned in the hearts of his people; and millions at home

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and abroad, now employed in obloquy or revolt, would pray for him.

In making his motion for addressing the King, he insisted frequently and strongly on the absolute necessity of immediately making peace with America. Now, he said, was the crisis, before France was a party to the treaty. This was the only moment left, before the fate of this country was decided. The French court, he observed, was too wise to lose the opportunity of effectually separating America from the dominions of this kingdom. That whenever France or Spain entered into a treaty of any sort with America, Great Britain must immediately declare war against them. That he would be among the first to advise it, even if we had but five ships of the line in our ports: and that such a treaty must and would shortly take place, were pacification delayed. War between France and Great-Britain, he said, was not less probable because it had not yet been declared: it would be folly in France to declare it now, while America gave full employment to our arms, and was pouring into her lap her wealth and produce; the benefit of which she was enjoying in peace. He repeated, that America was contending with Great-Britain under a masked battery of France, which would open upon this country as soon as she was fully prepared for war. He enlarged much on the importance of America to this country, which in peace and in war, he observed, he ever considered as the great source of all our wealth and power. And then added [raising his voice,] Your trade languishes, your taxes increase, your revenues diminish, France, at this moment, is securing and drawing to herself that commerce, which created your seamen, fed your islands, &c. He reprobated the measures which produced, and which have been pursued in the conduct of the civil war in the severest language, infatuated measures giving rise to, and still continuing a cruel, unnatural, self-destroying war. Success, it is said, is hoped for in this campaign. Why? Because our army will be as strong this year as it was last, when it was not strong enough. The notion of conquering America was treated with the greatest contempt. What is it you propose to conquer? The map of America? As to the conquest of the country itself, the gaining of ten pitched battles would do nothing towards it. It is the descendants of Britons, inheriting their wisdom, fortitude and perseverance—it is their country you have invaded. Were it practicable by a long continued course of success to conquer it, the holding of it in subjection afterwards, would be utterly impossible. No benefit is to be derived from that country to this, but by the good-will and pure affection of the inhabitants. This is not to be gained by force of arms. Their affection is only to be regained by reconciliation and justice.

Earl *Gower* said, he thought it his duty to rise and oppose the motion, for several strong and important reasons. In the first place it arraigned the conduct of the nation, and condemned, in the most improper terms, the measures which had been sanctioned by the parliament and people; and yet it was worded in so vague and indistinct a manner, that it was impossible to know what set of measures it described, under the general charge of grievances; whether it meant as well those in which his lordship acted so distinguished a part, as those which followed or preceded them. [Lord Chatham. I mean to convey, under the words "accumulated grievances," every thing which has passed in parliament relative to America since the year 1763.] He remembered well the distinction made at the time by the noble earl and several of his friends between internal and external taxation. He remembered, that the noble earl himself cherished the distinction, and argued upon it. He did not, however, mean to press the argument further, by way of personal application, as the noble earl had reprobated the whole system of measures pursued in regard to America, since the conclusion of the peace, in which his own conduct must of necessity be included. The motion was nothing more than a repetition of what had come from the noble earl on former occasions. Similar propositions had been made by two noble dukes, in their places, afterwards; and unless the House had since changed its sentiments, for which he could see no reason, it must reject the present proposition. For his part, he could not discover even a colourable pretext for their lordships altering their opinion; the same specific point still continued in issue. A paltry tax upon tea, a particular insult, a single act of violence or sedition, was not the true ground of the present dispute. It was not this tax, nor that Act, nor a redress of a particular grievance; the great question in issue is, the supremacy of this country, and the

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subordinate dependence of America. It is not a single act of legislation the people of that country dispute with this; it is our claiming to bind them in any case whatever. But it has been much relied on, in debating this subject, that the "Americans are willing to submit to your laws of navigation. Let them tax themselves; you will thereby secure to this country great commercial advantages, and draw from them an actual revenue to a considerable amount, without the trouble of collecting it." But, my lords, the direct contrary is manifest. They deny your right to make laws for them, and of course deny the right of commercial controul; it being in vain to talk of rights which cannot be maintained but at the option of those who are to submit to their operation. That they have aimed at independence from the very commencement, is manifest from a hundred proofs. I shall mention but one, which is, that among all the petitions, declarations, or remonstrances they have presented or set forth, they have uniformly guarded their expressions; and have carefully avoided to bind themselves by any promise of submitting even to our commercial regulations for securing to this country the benefit of the Act of Navigation and trade laws. The greatest length they have ventured, is a promise to submit to the operation of such acts of our legislature as may be directed to matters of commercial regulation, till they have time to judge of their effects. This, it is plain, reduces the concession just to nothing; because it totally excludes every substantial idea of right on one side, or submission on the other; of dependence and subordination to powers constitutionally created, and legally and justly exercised. His lordship adverted, in a ludicrous manner, to the change of sentiments in the noble earl and the other noble lords on the other side of the House, respecting the prophecies of a French war, and positive predictions of measures to be taken by France against this country. He observed what little attention was due to opinions so lightly taken up, and so suddenly deserted, without reason, in the first instance; and in all instances, he presumed, only to answer the temporary purposes of debate. He repeated, that the object of America was independency from the beginning; that the event proved it beyond question; and that nothing would so effectually tend to render the designs of our rebellious colonists successful, as agreeing to any motion which should directly, or in its consequences, concede the supreme controuling power of this country, unless it were first acknowledged in principle, as well as submitted to in point of operation by America. The idea thrown out by the noble earl, respecting the conduct of France, was the most extravagant he ever heard. The noble earl says, if we conquer America, we will conquer it for France. If France should join America against us, and get the better of us, America, though successful, will nevertheless be conquered, and become a province or dependency of France; and though we neither conquer or are conquered, still America will be lost to England, and fall to our enemies and rivals. If I had no other objection to the present motion, than the picture it would exhibit to foreign nations, of our pretended national imbecility, and the desperate situation of our affairs, that alone would be sufficient with me to give it a most hearty negative, as inviting our foreign foes to avail themselves of our weakness, distress, and divided councils, when they are told of views of impending ruin, arising from the unsuccessful fatal hostilities of an unnatural civil war.—When their lordships turn an impartial, retrospective eye to the conduct of rebellious subjects in America, the repeated provocations they gave, by disclaiming the legislative power of this country, and endeavouring to alienate the mind of his Majesty from his parliament, and render the regal power independent of the other two estates of the realm, he trusted they would have much more powerful motives for rejecting the motion, than such as might be founded in deductions drawn from the views, feelings, or political conduct of any foreign court whatever. His lordship denied that lord Howe's commission had turned out ineffectual. In consequence of his proclamation, great numbers had flocked to the British standard; numbers were daily coming in; and without doubt, there were a great many loyal persons in all the different parts of America, who only waited for an opportunity of claiming the protection of the British arms. In fact, the majority of the very rebels wished to shake off the yoke they so severely felt; they were heartily tired of their new masters, and having tasted the difference between British liberty and American tyranny, they would gladly return to their allegiance, in order to parti-

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cipate of those blessings enjoyed by the rest of the subjects of the British government. With regard to the present prospect of affairs, he assured their lordships, it was a very flattering one. The campaign already commenced would probably end the dispute. Administration had spared no pains to enable the commissioners to shew their power to compel, if they failed in their endeavours to persuade, the colonies to return to their duty.

The Duke of *Grafton* congratulated the House and the nation at large, on the return of the noble earl, who made the motion, to his duty in parliament. A dawn of joy broke in upon his mind, in finding that the spirit which was formerly wont to pervade every part of the kingdom, and had long slept, now revived, and shewed it was not entirely extinct: he meant, that love of liberty, that admiration of the man, who had been its warmest advocate, and who had raised the power, dignity, and splendor of the nation to a pinnacle of fame and greatness unknown to any former or subsequent period in any quarter of the globe. He contemplated, with heart-felt pleasure, the revival of that spirit, which could collect so very respectable an appearance, below the bar, of gentlemen of all parties, which could crowd the avenues leading to the House, so as not to leave sufficient room for their lordships to come to their seats, unless with the utmost difficulty. He was doubly happy in being satisfied, from what had appeared, that the people still retained a grateful sense of the high obligations the nation owed the great man; and he was assured, that nothing could save this nation from certain destruction, but the calling the noble earl into a public situation, which might give his lordship an opportunity of acting once more the part of the saviour of his country! He controverted every argument made use of by the noble earl who spoke before him, relative to the ultimate object of American independency. He knew well whence those doctrines originated. Nothing was easier said. All the noble lord had to do was to broach them. He knew the learned lord's (supposed to mean lord Mansfield) power and influence to be great; his abilities were acknowledged; yet, with all his power and abilities, he defied either him, or the noble earl who spoke last, to adduce a single substantial proof, to shew that America ever aimed at independence. He would not pretend to say, what might be the particular sentiments of a few ambitious or rash individuals: but he put it on the fair ground of their public professions; upon their declarations contained in their petition to the King, which petition was presented by governor Penn to lord Dartmouth, who, by his Majesty's directions, laid it before that House; which, though full of the most warm and loyal sentiments of duty and respect, both for his Majesty and parliament; though containing the sense of thirteen great and flourishing colonies, whose petition deserved some attention, was rejected with marks of indignity and contempt. He contended, that nothing but dire necessity compelled the colonies to take up arms. They never dreamt of independence, till the wicked, oppressive, and cruel measures adopted by administration, drove them to resistance, as the last resource; and to seek assistance from foreign powers. On the contrary, they had tried every means it was possible for human nature to devise; and endeavoured to excite the attention and protection of every branch of the legislature, by the strongest motives to compassion. His grace particularly relied on the petition from the congress to the King, presented in 1775, as the fullest and most unequivocal proof of their duty, zeal, and affection for this country, and its government. [Lord Gower insisted, that the petition contained no specific acknowledgment, farther than what he had stated; a promise to submit to the operation of Acts for restraining their commerce, pursuant to the general scheme of the Act of Navigation.] Here the Duke of Grafton moved to have the petition read, as entered on the Journals Nov. the 10th, 1775,* when Mr. Penn was called to the bar to authenticate it. The petition, after some opposition, was read. His grace then proceeded. He observed that if any thing were wanting to corroborate the contents of the above paper, it was the examination of Mr. Penn, the day it was entered on their lordships' Journals. That gentleman, by birth an Englishman, unconnected with party, governor of the wealthiest and most populous province on the whole American continent, resident in the very city where the congress, the framers of this petition, then actually deliberated and determined; acquainted personally with almost every single member of that congress; thoroughly well in-

* See Vol. 13, p. 896.

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formed of the state and disposition of the people under his government, and tolerably acquainted respecting the state and disposition of every other government on the British American continent: this gentleman, without any temptation or bias on his mind, but what might be supposed to operate against America, not in its favour; this gentleman came to their lordships' bar, and corroborated, nay, according to the interpretation of the noble earl who spoke last, went much farther, and contradicted, upon his oath, the most distant idea of any notions of independence whatever in the congress. On the contrary, he affirmed from his own knowledge, that no such design was thought of or framed within his own government, nor, by what he could learn, by any other, either in congress or elsewhere, with the general exception of a few factious, violent, rash, or ambitious individuals, the well-known appendages of all civil commotions. His grace observed likewise, on a part of that gentleman's evidence, which, unhappily for this country, was equally discredited by those who ought to have taken care to be better informed; which was the general unanimity of the people all over America, and their great strength and resources. The day that petition was dismissed without hearing and redress; the day that gentleman's evidence was disregarded, was, he said, the fatal commencement of our present impending misfortunes. Independence only existed in the brains and speeches of a few individuals here, who had the influence and art to make themselves believed and obeyed. When, therefore, the congress and people of America found themselves neglected by their sovereign, despised, maligned, and trampled on by parliament, and unconditional submission, or independence, made the only alternative; in the midst of desperation, in the heat of resentment, from the necessity of their situation, from the most powerful of all motives, that of self preservation, they at once disclaimed our government, and resolved to resist our oppressions, or perish in the attempt. I laboured (continued his grace) all I could at the time to soften the rigour of administration; I intreated, I supplicated, I followed even that refusal with another supplication, to know the force we had to contend with, at least, to know the force we were ourselves able to send, or had sent against the colonies. Failing in both supplications, and prevented by a very indifferent state of health, I was compelled to quit town, before that most cruel and impolitic measure, the Prohibitory Act, was passed. If any thing remained undone, that measure finished the business. I do assure your lordships, that nothing but the pressing necessity of immediately coming to some sudden resolution, which may lead to conciliation, could have induced me to trouble your lordships this day, particularly in my present state of health. My spirit is, I hope, active, and my inclinations warm, in the interests of my country; though they inhabit a very shattered, weakly constitution; but I do assure your lordships, as long as I have a leg to stand upon, I shall continue to come down, day after day, to this House, whenever an occasion, such as the present, offers; and supplicate, and intreat your lordships, as I do now, that you will agree to some measures of conciliation, which may deprecate that approaching destruction, which seems to await us on every side. His grace pronounced administration timid, unskilful, and insincere. Their blunders, he said, were repeated; and their equivocal disingenuous conduct became every day more and more manifest; in fact, if he might be allowed to borrow a sportsman's phrase, they rather blinked the game, than pointed fairly to it. If called upon in parliament, for information, which every member in either House had a right to expect, they either gave no reply, or evaded the question. Even this day, they only talked of a successful campaign, and that was all the hopes they gave the public, in return for the very heavy taxes they paid; and the enormous expence the American war had already cost the nation; and the much greater expence it was likely to cause, should the present motion meet with the fate of all the preceding ones. Before I sit down, I cannot help observing to your lordships how ripe the nation seems for destruction; if people may judge from what we hear in private companies, in current conversations, and in print. Publications of a very extraordinary and alarming nature, indeed, daily make their appearance; such, I will venture to affirm, as have not seen the light for forty years before. I do not chuse to descend to particulars. When doctrines subversive of the constitution, and condemning that celebrated æra which established it on its present footing, are promulged by persons, who from their

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situations are intrusted with the education of our noble youth, of children of family and fortune, it may produce very bad consequences; but when we go a step higher, and find a person, who from his offices and public stations is intrusted with the care and education of the immediate royal family; with the instruction of the very persons who, by their birth and relation to the throne, may be called to reign over us, controverting the justice of the Revolution, or reprobating the principles which gave birth to it, your lordships will agree with me, that it is a most alarming circumstance; and will account why some persons were not thought fit for discharging a trust of so high and important a nature.

The Archbishop of *York*, (Dr. William Markham). I confess, I did not at first conceive that the noble duke who now spoke, alluded to me, or to the late publication of the Sermon preached by me before the Society for propagating Christian knowledge; nor should I still, had not I been assured of it by some of my brethren who sit by me. I am no orator, being but little accustomed to speak in public; but unable, ineloquent as I am, I trust I shall not be wanting in words to defend myself when wantonly, and I will add, unjustly attacked. The discourse alluded to, I acknowledge to be mine; and am ready to affirm and prove, that it contains nothing but the truth. I thought that no time could be more proper to defend the constitution, than when it was attacked by factious men and factious principles. I never said any thing against the Revolution. What I advanced was in defence of the constitution, which I am ready to support at any risk, and, as a proof, I appeal to my words. I maintained, in the publication the noble duke has adverted to, that a resistance against law was unjustifiable. I am ready to abide by it still, and that a government founded in law, is entitled to demand and exact obedience. I might well expect this kind of treatment from faction. I might surely look for calumnies and detraction, for daring to oppose such as would employ a good principle, in effecting purposes very different from those they venture to avow. The noble duke is a Whig, but I say he knows not what Whiggism is. I am ready to stand the test of any enquiry, either into my conduct or opinions; and to maintain them against every attempt which may be made to controvert or misrepresent them.

The Duke of *Grafton* said, he did not know how directly to take notice of what fell from the right rev. prelate, as it was disorderly to take notice of any thing personal in that House, relative to publications, or any expressions which passed at a former debate. However, as the most rev. prelate had owned the publication, he looked upon himself at liberty to take notice of the publication itself, without any reference to the author as a member in his place. He said, perhaps, he might be ignorant of the true principles of Whiggism; but whether he was, or was not, he would accept the rev. prelate's offer, and prove, that the publication contained several propositions, which, if true, were directly repugnant to the spirit and system of government recognized at the Revolution. Even according to his own explanation, a government of law included every species and kind of government whatever both as to its frame and exercise.

The Archbishop of *York* replied with great warmth. He said, he was ready to face all consequences, to have his opinions enquired into, and to defend them. He called on his grace to make good his assertions: and assured him he was willing to meet him on the fair ground of argument, whenever the matter came to be considered in a debateable shape. He had advanced no new doctrine, and was much surprised how the noble duke could have so glaringly misunderstood him; for he was ready to submit the doctrines laid down in his sermon to the most public and rigid examination. The principles therein maintained, were agreeable to the sentiments of all ancient and modern writers on civil government; they were founded in the clearest principles of law and morality; and so far from arraigning the Revolution, they contained nothing but what had been asserted by the most zealous friends of the constitution; even by Algernon Sidney himself. He was well satisfied, that his honesty and sincerity had created him many enemies; he would not, however, be frightened from his duty by any threats; nor would he sacrifice his opinion, nor submit to be dictated to by the proudest peer in the land.

The Duke of *Grafton* disclaimed any personal allusion: he considered the publication as utterly inconsistent with the doctrines on which our present establishment was built. He trusted very little to his own judgment in the matter; but referred the rev. prelate to the writings of Dr. Hoadly (bishop of Winchester,) Dr.

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Burnet, and some other eminent divines, who maintained doctrines of a very different complexion from those avowed by the right rev. prelate.

The altercation between the duke of Grafton and the archbishop of York growing warm,

The Bishop of *Peterborough* (Dr. John Hinchcliffe) rose, and spoke to this effect: My lords, I hope I shall be permitted to recall your attention from this very painful subject to the order of the day. From the beginning of our unhappy contest with America to the present moment, reconciliation on the best and most effectual terms that it could be brought about, from time to time, has ever been the object which I have principally had in view; and notwithstanding all the injurious reflections which have been cast on those who have the misfortune to differ from the majority of your lordships, it has been to me a matter of serious concern, that seeing things in the light I have done, I have thought it my indispensible duty to dissent from some measures of administration, which, whatever might have been the intention of them, have certainly had the effect I apprehended they would have; that of removing all accommodation to such a distance, that the bulk of the nation seemed to have lost sight of it.

One ray of hope for a while broke forth in the appointment of the noble lord (Howe) and his brother, men not less respectable for their integrity and love of the constitution, than of approved conduct in the line of their profession, but so circumscribed were their powers by parliament, that it is not to be wondered their declaration did not meet with all that confidence which their characters so justly deserve. I trust, however, it is not yet impossible to effect the good purposes of reconciliation, if your lordships will but be pleased to give a favourable reception to the motion of the noble earl, and thereby convince the colonies (hitherto they have had no means to be convinced of it) that parliament is really disposed to attend to and redress their grievances. To induce your lordships to this, I beg leave to submit to your consideration, that the resentment which for some time past has actuated our councils is not founded on the original subject of dispute, a new ground of contest was after a while held forth to the public, as if the claim of supremacy to the exercise of taxation was not of itself sufficient to justify a perseverance in this ruinous and fruitless war.

Many of your lordships were (I am persuaded) induced to concur in the first steps of an apparent hostility, by the repeated assurances given to this House, that our troops were to conquer without fighting, and, that far the greatest and most respectable part of the inhabitants of our colonies were favourable to the measures of government; nor was it till after these assurances were found erroneous, that our present calamities were imputed to one general concerted plan of independence; and yet it is this assertion, supported at best but by presumptive evidence against positive fact, and the most express declaration to the contrary, that is with many, the principal, with some, the only argument for perseverance.

The true cause why America is now in arms and united as one man, is owing to that unhappy determination to reject the petition of the congress; by that fatal measure those turbulent spirits who all along wished for a total separation from the mother country, had the means they wanted given them to persuade the multitude that they had no alternative left but slavery or independence. The evil was probably increased by those officious, ill-timed addresses; which though they meant indeed very little, said a great deal too much; under the specious pretence of a zealous concern for the dignity of the crown and the unity of the British empire, they helped to degrade the one by dismembering the other. Their effect abroad was in the mean time to make it believed, that the people of this island entertained a spirit of implacable resentment, and were averse to reconciliation on any terms short of unconditional submission. It was this persuasion which alienated the few remaining friends of government, men of peaceable dispositions, who respected the constitution, and still loved the stock from whence they sprung; men of this description are now in arms hazarding all the evils of war, and liable, if conquered, to all the penalties of rebellion. Such, my lords, I take to be the true causes of that fierce contest which is now carrying on for dominion and independence. If we consider how it is carried on, the slightest view will shew us such various articles of enormous expence, so many means of imposition on the public, and such uncertainty that what is paid for here again and again, may never reach the place of its destination, that was I to enumerate them, I should be at a loss where to begin, and having begun, be still more at a loss where to end.

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There is not all that uncertainty in foretelling the probable consequences: and that I may not be charged with arguing on uncertain premises, I am willing to admit what I by no means believe to be true, that the assurances given by the neighbouring powers are to be depended upon. I cannot however help observing that was it becoming me to trespass so far upon your lordships' indulgence, here is an ample field to lament the unhappy state of this country, which but a few years ago (under the auspices of a noble earl, whom I rejoice to see again in this House) was the conqueror of France in every quarter of the world, and is now reduced to a mean precarious dependence on the good will and forbearance of her natural rival, for the peace and security of the next hour.

I will confine my view to America, and there experience must surely have convinced us, that it is not a single battle, or campaign, that, as among the effeminate inhabitants of Asia, is to decide the fate of the western world: the vanquished must fly, but they will rally again, and while the love of liberty remains, there will be some sparks of courage, ever ready to take fire on the slightest occasion. The cities must be burnt, and the country laid waste, many a brave man is yet to perish in the prison or the field, ere the miserable remnant is brought to an absolute submission, and when that is done, what are the advantages we have to expect?

There is not surely any man so childishly sanguine, as to suppose we shall grow rich at once, by having cut up the gradual sources of our wealth: many years must pass ere America is in a condition to remit a revenue to this country, and should she so far recover from her present calamities as to be able to do it, I cannot think that any minister past, present, or to come, will ever dare again to demand it. Not only for the reason assigned by the noble lord, a general disinclination in the colonies, but from various other causes we may conclude that the substance of taxation is gone for ever; nor is it probable that America will henceforth ever long sit quiet under the shadow of it. The same means that are employed to subdue the colonies, are necessary to keep them in subjection, they will surely struggle after they are conquered, and recoil like a spring, whenever the force is removed that compressed it.

Such, my lords, must be the consequences, if the noble earl's motion is rejected, and the sword alone is to decide the contest. When loyalty to the King, when respect for the laws, and love of the constitution is gone, there is no security for obedience, but in a military force, and who is there in this House that has any loyalty to the King, any respect for the laws, or any love for the constitution, who would wish to see that mode of government prevail over so great a part of the British empire.

Lord *Lyttelton* directed his attention first to the motion and the noble lord who made it. He acknowledged the eminent services which his lordship had performed for his country; and said, whatever notice the motion itself was deserving of, the moderate and respectful terms in which it was conveyed, and the remarkable propriety and decorum, in which the arguments in support of it were urged, called for candour and moderation on his part. He seemed much surprised at the timid despondent tone affected by the noble earl, in relation to the conduct and ultimate views of foreign powers, whose fire, spirit and zeal for the honour and dignity of his country, had carried terror and conquest among the surrounding nations. He asked his lordship, whether he could reconcile it to his former conduct, to hold terrors out from the resistance we might meet in pursuing and asserting our undoubted rights, either from America or elsewhere? He remembered the time, when the noble lord held a different language, when he inspired himself, then very young, and the nation at large, with the most exalted and heroic ideas; when he called upon the people to assert their honour, and do themselves justice, though every power in Europe should combine against them.

His lordship next turned to the state of America; the anarchy that at present prevails there; the acts of violence, treachery, cruelty, and injustice, that are daily committed in that country, by our rebellious subjects upon their loyal and dutiful brethren, merely because they would not join in their diabolical schemes of overthrowing all just and legal government. The laws trampled upon, the course of justice interrupted or annihilated, government dissolved, magistrates imprisoned or banished, the faithful and obedient part of the people oppressed, despoiled of their property, suffering in dungeons, or obliged to fly their native land. He observed, that

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to all the horrors of war, the rebels had added the brutality of savages and the treachery of cowards. These were the persons, and this was the cause, some of their lordships thought fit to espouse and defend. His lordship reminded his opponents of their predictions concerning the conduct of France, and their repeated assertions that America had never any thoughts of independence. Experience had verified the language of administration on both those points. The noble lord who made the motion, laughed at the absurdity of such an idea, as any interference on the part of France; and the Congress having long since declared the united colonies independent states. The other noble lords, on the same side, denied the least probability of any such event, and pledged themselves, if it should ever happen, that they would be the first and most zealous in endeavouring to compel them to a return of their duty. The event has actually taken place, and what is their conduct? Instead of recommending vigorous measures, we are told that France does not mean to interfere; but lest she should, it is now proposed to open a treaty with declared and open rebels. Our rights are to be abandoned or conceded, lest France should go to war when our strength and resources are weakened and exhausted. This is surely strange language, and equally pusillanimous, as unworthy the attention of this House. France, I am satisfied from my own knowledge, is neither able or willing to go to war; and though she were, I trust we are prepared to meet any foreign enemy whatever. Let us turn our eyes to the state of our respective finances, and we may be enabled to judge, in some measure, of the respective abilities of both countries. Let us reflect on the ease and expedition with which five millions were borrowed in a nation said to be verging towards ruin. I will venture to say, that a similar offer would not produce the tenth part of the sum in France. Does this accord with the lamentable picture drawn by the noble duke, and the terrors suspended over our heads by the right reverend prelate? Merchants, and men in trade, however friendly to government, seldom trust their property to precarious prospects of repayment. In those transactions they pay a constant attention to two objects, advantages and security. They are, of all men, the most cautious of disposing, or trusting their money out of their hands, and know best to lay it out where it promises profit, properly secured. This unbounded credit is seldom a forerunner of a bankrupt government, or empty exchequer.

His lordship next answered that part of the noble duke's argument in respect of the petition from the Congress, and the evidence given by Mr. Penn. He insisted that the former was the effect of mere hypocrisy, and the latter to his own knowledge far from being supported by truth. But supposing the former was serious, what did it import? An appeal from the parliament to his Majesty, and an endeavour to detach him from his parliament by an abuse of his ministers. As a proof that the Congress never meant to submit to the supremacy of parliament, at the very time they sent the petition alluded to, they made the most daring and inflammatory appeal to the whole Irish nation, and invited them to make a common cause with them, in resisting the legislative controuling power of the British parliament over all the dominions of the British crown. His lordship imputed the present state of public affairs to the backwardness and mistaken lenity of ministers in the early stages of the contest. He reminded their lordships of the part he took, and how frequently he pressed administration on the subject. He was confident, if vigorous measures had been adopted earlier, that the rebellious colonies would now be in a state of peace and obedience; and repeated, what he had frequently said before, that lenity by its consequences caused often greater acts of cruelty, than those which were at the time desisted from on account of their harshness. His lordship spoke of the severe usage colonel Campbell had suffered in an American dungeon, which led him again to repeat his charge of cruelty and timidity. He allowed, that a trade was carried on by the rebels to some ports in France, but denied that it received any countenance or protection from that court. They were private transactions, which it would be difficult to prevent; and which had no origin but the spirit of mercantile adventure, and motives of profit. His lordship took great pains to shew that the measures of government were popular; and to point out the abilities of the minister, who had so judiciously planned taxes that would scarcely be felt, and yet would be so very productive. He spoke of the country gentlemen, as supporting the present war almost unanimously; passed great encomiums on their consequence and integrity, and affirmed,

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that while measures were thus strongly supported and approved of, both within and without doors, by such decisive and respectable majorities, we had every reason not only to expect a happy issue to the present rebellion, but that if we should be interrupted by any power whatever, we were both able to defend ourselves, and make our enemies repent of their rashness. He observed on what fell from the noble earl who spoke second in the debate (earl Gower) relative to the loyal and dutiful disposition of great numbers of people in America, where they were free to declare their sentiments, and not under the tyranny and despotism arising from anarchy and military government: he was certain that it was so, and he had himself lately received a letter to that purpose from a person on the spot; and many others of a like tenor, giving an account of the great numbers who came in under the proclamation, in order to claim the protection of the British government, or to offer their services in assisting to extinguish rebellion.

The Duke of *Manchester* opened his speech, with observing on a passage in that of the noble earl (Gower), what passed in a message between general Howe and general Washington, to prove that independence alone was the grand object of the American rebellion; and that the treaty broke up merely because at the first preliminary Mr. Washington and the Congress refused to treat, unless the united colonies should be considered as independent states. His grace insisted that this circumstance proved nothing; the Congress were well aware that the commissioners had no powers, but they were willing to try whether, though they were armed with no parliamentary powers, they might not be charged with private instructions. When the persons entrusted with the affair discovered the commissioners had neither powers nor instructions, and no terms, but those of unconditional submission, to offer, they treated all propositions of that nature with indignation, and retained their ostensible sentiments and resolutions as a matter of necessity. He censured the conduct of administration, for holding out the idea of a commission; and afterwards holding it back, till America had taken the decided part she did, and observed with concern, that France had acquired very singular advantages in trade and navigation, since the commencement of the present civil war, and would continue to reap many more as long as it should last. He pursued the ideas of the right reverend prelate who spoke on the same side, by proving, that in proportion as we grew weak or exhausted, from a waste of blood and treasure, France would recruit in every source, which might enable her to carry on a most vigorous war. He observed, that the noble lord who spoke last, had treated the commercial communication, now carrying on between France and the British colonies, as a mere desultory underhand trade, prosecuted by a few inconsiderable enterprizing individuals. He denied that to be the fact: he had the most indubitable authority to assure their lordships that it was a regular, open, and extensive commerce, daily increasing. If that was the case, he appealed to their lordships, if there was one of them who, satisfied of the facts, did not think such a commerce, such a barter of commodities, in which a supply of military stores was included, was not treating the colonies as an independent power, in the first instance; and was it not a breach of neutrality in the next, allowing the independency of America to be a fact not disputable. His grace attributed the declaration of independency to have arisen chiefly from the contempt and neglect with which their petition to the King had been treated by parliament; from repeated refusals of redress in any form, or through any channel; and to the inflammatory addresses presented to the throne, previous to the session of parliament in 1775. His grace pressed the propriety of the motion on several grounds; and predicted the happiest effects, should it be agreed to. It was not pretended that the present campaign would be decisive: indeed the contrary was already acknowledged. Taking the motion in that light, as neither prolonging the war, nor defeating the objects of the campaign, he begged leave to assure their lordships, that an account of the success of this motion, reaching America, would more effectually tend to stop the further effusion of blood, and to an attainment of what we were entitled to demand, or ought to wish to obtain, than any advantages we could possibly derive from the most successful exertion of our arms. The noble earl who made the motion, had, on former occasions, of singular difficulty and importance, shewn his ability to save his country, by an equal proof of vigour, where the cause required action, and wisdom, where it depended more upon deliberation and management; his years, his

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character deserved respect; his motion was itself a proof of his wisdom, and, he hoped, their lordships would adopt it, as it promised an happy relief in the hour of danger, a fortunate resource in the present distressed situation of affairs.

Lord *Camden.* It is with pleasure I rise to bear testimony how much I approve of the motion made this day by my noble friend, and to express my sense of the very singular obligations this country owes him, particularly on this occasion, when, setting every impediment at a distance, he offers his assistance in rescuing us from the ruin with which this country is surrounded. Before I speak to the immediate objects of the motion, I shall say a few words on the subject to which it relates. The noble lords, on the other side, deny that Britain was the aggressor in this quarrel; and assert, that America always aimed at independency. I shall prove, I trust, before I sit down, that both assertions are equally false; I shall prove that we were the aggressors; and, consequently, that the charge of independency can be only supported upon what they intended to have done at some future period, and not upon what has actually happened; the aggressor in all contests being chargeable with the consequences. I shall not renew the controversy so often discussed within these walls relative to taxation. You passed a law for laying a tax upon tea; but you could not collect it, because neither importer, nor vender, nor consumer, could be found. You passed another law, which ministers flattered themselves would force the tax into operation. You gave the East India Company a drawback on their teas exported to America. The teas were sent to America, particularly to Boston, where a large quantity was destroyed. What did we do? Without demanding reparation, without enquiry, without hearing the party accused, nay, even without proof of the fact, you condemned the people of Boston: you shut up their port; you annihilated private property; you reduced thousands of innocent people to beggary. You did not stop here: you resolved to punish the whole province as well as the town. You deprived them of their charter; and, to fill the measure of the oppressions with which you were resolved to afflict them, you deprived them of the benefit of the trial by jury, either as a terror to the guilty, or a protection to the innocent. What were your preparations, in order to secure the execution of those oppressive and cruel measures? The language of administration was, that a file of musqueteers would march from one end of America to the other without molestation; that the Acts were so wisely and judiciously planned that they would execute themselves: lest, however, they might not execute themselves, general Gage was sent out to command a force consisting of four regiments, which were fully adequate, it was said, to the purpose; that was what was emphatically stiled, on the passing of the first of those Bills, by a noble earl I now see in his place (lord Mansfield) passing the Rubicon. Neither the file of musqueteers, nor the four regiments however, answered what was promised from them. Twelve months having nearly passed, general Gage, from the weakness of his little army, was obliged to remain inactive, and beheld the provincials making daily preparations before his face, for a vigorous resistance. Early in the next year we declared those people to be in rebellion; we prohibited them from trading with each other; we deprived them of their fishery; and a noble lord in the other House pledged himself to that House, that with an army of 10,000 men, which would reach America early in the summer, the conquest of that country would be certain. The troops arrived, the 10,000 men proceeded to hostilities; and if they were not defeated in the field, we know that America was not conquered, but that the royal army suffered in battle and mouldered away in such a manner, that they were streightened and besieged in their quarters for full eight months, and escaped with difficulty aboard their ships and vessels of war. Well, the next session arrived; ministers owned they were deceived in the accounts they received of the disposition of the people of America; the most decisive measures were to be adopted. The same noble lord, for the third time, grew confident; the full force of this country was to be exerted; 70,000 men and 100 ships of war were to be employed; foreign mercenary veterans were to supply the place of raw levies; the sword was to be borne in one hand, and the olive-branch in the other. A commission was announced from the throne to hold out the alternative. What has been the effect of all this? From the same authority we are told, we must prepare for another campaign; the decisive measures, and full exertions, have produced nothing material. The repeated predictions, relative to conquest and subjuga-

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tion, have failed. What part of America is your own? Just as much as you occupy, or as you can command with the mouths of your cannon.

His lordship next proceeded to shew in what an unbecoming manner administration had behaved in respect to the commission, and the powers granted by the Prohibitory Act, which he declared to be the epitome of every thing cruel and oppressive; and what, with the employing foreign mercenaries to cut their throats, ultimately determined the Americans to declare themselves independent. He declared, in his conscience, that those were the Acts, and those only, which forced the colonies to take up arms in the first instance; and to justify their resistance, by throwing off the yoke of oppression and despotism. His lordship next turned to the ruinous state of our trade. By those acts, particularly by the Fishery and Capture Acts, you drove the people employed in commerce to desperation: their wants and resentments united in urging them to the resolution of making a naval war upon you. What has been the consequence? The seas are covered with their privateers; the French ports are full of them; they come to the very mouth of your river and insult you. If your commerce languishes, if your trade decays, where will you find the means of carrying on a war? While your ships are rotting in your harbours, while your merchants are unable to pay the insurance, the French become your carriers, and the former are left to lament their deplorable situation. This at once puts an end to the Act of Navigation, and defeats every benefit it was intended to secure. But extending our views a little further, what other fatal consequences do we behold produced by this unnatural war? The ruin of the West India islands; the loss of their produce; and the very considerable bankruptcies which it has occasioned. The proprietors of the estates and plantations in those islands, from a state of affluence, are driven to poverty and despair. I am well informed that no less than 200 families who resided here upon ample incomes, drawn from thence, have been obliged to return thither, being no longer able to maintain themselves in this country. These are melancholy considerations, my lords; and should be very powerful motives with you for agreeing with the present motion. The two noble lords who have spoken on the other side, have positively denied that France has taken, or means to take, a part in the present dispute. I contend they do this minute take a part, and that they have continued to do so from the beginning. I would desire your lordships to recollect what was mentioned by the noble duke in the blue ribbon, and myself, in the year 1775, relative to the two French gentlemen who went to Washington, then lying before Boston, and who were by him sent to the Congress, where they remained several months. The story was then treated by the noble lords in administration in a ludicrous manner; yet this, I believe, was the beginning of what may hereafter produce very serious consequences. I sincerely believe the first overtures came from France; and that those gentlemen were the bearers of the message. Every thing which has since happened confirms me in that opinion. It is plain, that the first notice the ministers received of it was in this House; astonished at the information, I remember, they said it was nothing but a visit of mere idle curiosity. Let us compare the sequel. In the course of the ensuing summer, Mr. Deane comes to Paris, and the Christmas following was followed by Dr. Franklin. What has been their reception? They frequently appear at Versailles, affront lord Stormont in the anti-chamber, and are admitted to conferences with the French king's ministers. He then assured their lordships that he had the strongest reasons to believe, that America was both supported and abetted in her resistance, and that ships of war were fitting out in several ports of France under American colours, to infest the channel, and annoy our trade. On the principle of Great Britain's being the aggressor, he grounded the propriety of her being the first to show a disposition of making peace with the injured Americans: he contended, that nothing of that sort had yet been done, and that the commission given to lord and sir W. Howe for granting pardons to the Americans, so far from deserving to be considered, as containing power of pacification (as its title imported) must necessarily be ineffectual to such a purpose; it was, indeed, an insult on their understanding; for a herald with a trumpet would have done just as much as commissioners, going forth with such incompetent authority. It was so considered by the Congress, and that it would be so, was foreseen by many. Now, he contended, was the moment, perhaps the latest moment of

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making peace, and of recovering, in any good degree, what was lost. Were this business delayed but for a few weeks, America and France might be in alliance, our commerce with the former of these countries would then be irretrievably gone from us, and in the moment of our being apprized of that evil, another would arise with it, the necessity of a war with France, for the recovery (however hopeless might be the endeavour) of our lost possessions and commerce. But a French war may not come from that quarter only: so long as the contest with America is continued, it must be constantly dreaded by us. Here he enlarged on the warlike preparations of the ancient and inveterate enemy of this country. War may proceed from sudden and unexpected causes, while each party have so many ships. The continuance of the war threatened nothing less than destruction to the British commerce, which in every sea was vexed, tormented, torn, by the captures made upon it, by Americans, by French and Spaniards, and all, whom the hopes of booty could allure to prey on it, under congress commissions. What effect had already been perceived from the captures made, he shewed from the high freight and insurance on all British shipping, and from the number of French vessels (twenty-six) now in the river Thames, which were receiving British merchandize for foreign markets, on account of the greater cheapness of such conveyance. He said, that in the beginning of this war, our trade had been considered as an object only of secondary consideration, and indeed as deserving no regard, when brought in competition with the high and uncontroulable supremacy of British legislature. That on this account the petition of the West India merchants was not suffered to be brought into question, till the deliberations, concerning that high political dignity, were closed: but was thrown into a corner, to be taken afterwards into the consideration of a committee, lest an earlier attention to it might have interfered with, and too much debased the resolutions of parliament, on that great sublime mystery. His lordship exposed the pride and folly of that proceeding; and said, he was sorry, in a British senate, he found it necessary to enter into an explanation of the nature, use, and importance of trade, to this country. He said that trade was its vital blood, diffusing itself, and running through all its parts, animating and filling all with life and vigour. In respect of American trade he recalled the attention of the House to what this country was before that trade was known in it, what it had grown to be while that trade flourished, and what we were likely to become, when it was gone from us. He treated the notion of conquest, and of success by force of arms, as utterly ridiculous, and the final and irreparable loss of America, as the inevitable consequence of a continuance of the war.

Lord *Weymouth* objected to the motion, as inadequate to the purpose it was declared calculated to effect, and ill timed, because it could not at present be of any service, even if it were adopted by their lordships. He denied the last speaker's assertion relative to Mr. Deane and Dr. Franklin being frequently in the antichamber at Versailles, and affronting lord Stormont; so far from this being the fact, the noble viscount declared that lord Stormont never met them there; and although he could not pretend to assert that they had never seen the minister of France, he was well aware that they had not received any public countenance from him, or any other part of the French cabinet. With regard to what had been said of the French having sent out stores, &c. to America, it was very true that the private merchants had taken advantage of the quarrel, as in all such cases was customary, and had shipped an inconsiderable quantity of stores, &c. in different bottoms, many of which our frigates and armed vessels had taken; but the French government were not answerable for such conduct. His lordship further observed, that the motion held out nothing specific. It was for an address to his Majesty; to do what? The noble earl, he presumed, did not mean to enter into specific terms for relinquishing the rights of parliament. An act of parliament had already appointed a commission; commissioners were now acting by the virtue of that commission. This address was not, he hoped, intended to cause his Majesty to supersede that commission, or to supersede the provisions of an act of parliament, contrary to law. Such a thing was totally impracticable. What good purpose, therefore, the present motion could answer, was more than he could perceive, however well intended. In its present shape he could not consequently speak to it, till the objects to the attainment of which it was ultimately directed, were first pointed out.

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The Earl of *Chatham*. I perceive the noble lord neither apprehends my meaning, nor the explanation given by me to the noble earl in the blue ribbon, who spoke early in the debate. I will therefore, with your lordships' permission, state shortly what I meant. My lords, my motion was stated generally, that I might leave the question at large to be amended by your lordships. I did not dare to point out the specific means. I drew the motion up to the best of my poor abilities; but I intended it only as the herald of conciliation, as the harbinger of peace to our afflicted colonies. But, as the noble lord seems to wish for something more specific on the subject, and through that medium to seek my particular sentiments, I will tell your lordships very fairly what I wish for. I wish for a repeal of every oppressive act which your lordships have passed since 1763. I would put our brethren in America precisely on the same footing they stood at that period. I would expect, that being left at liberty to tax themselves, and dispose of their own property, they would in return contribute to the common burthens, according to their means and abilities. I will move your lordships a Bill of Repeal, as the only means left to arrest that approaching destruction which threatens to overwhelm us. My lords, I shall no doubt hear it objected, Why should we submit or concede? Has America done any thing, on her part, to induce us to agree to so large a ground of concession? I will tell you, my lords, why I think you should. You have been the aggressors from the beginning. I shall not trouble your lordships with the particulars, they have been stated and enforced by the noble and learned lord, (Camden) who spoke last but one, in a much more able and distinct manner than I could pretend to state them. If then, we are the aggressors, it is your lordships' business to make the first overture. I say again, this country has been the aggressor. You have made descents upon their coasts; you have burnt their towns, plundered their country, made war upon the inhabitants, confiscated their property, proscribed and imprisoned their persons. I do therefore affirm, my lords, that instead of exacting unconditional submission from the colonies, we should grant them unconditional redress. We have injured them; we have endeavoured to enslave and oppress them. Upon this clear ground, my lords, instead of chastisement, they are entitled to redress. A repeal of those laws, of which they complain, will be the first step to that redress. The people of America look upon parliament as the authors of their miseries; their affections are estranged from their sovereign. Let, then reparation come from the hands which inflicted the injuries; let conciliation succeed chastisement; and I do maintain, that parliament will again recover its authority; that his Majesty will be once more enthroned in the hearts of his American subjects; and that your lordships, as contributing to so great, glorious, salutary, and benignant a work, will receive the prayers and benedictions of every part of the British empire.

Lord *Weymouth* was much obliged to the noble earl for his explanation; but every thing offered by his lordship, being founded on a supposition that Great Britain was the aggressor, and that not appearing to him to be the case, every argument built on such a supposition, consequently fell to the ground. So far from this country being the aggressor, he was of opinion that we procrastinated measures of force too long, in hopes that matters might be amicably adjusted without an appeal to arms. He denied, that if the present motion was rejected it would preclude all future hopes of conciliation. The contrary was much the more probable supposition; and though it were otherwise, it was impossible to prevent the evils meant to be deprecated by this or any resolution taken at this late season of the year, as the campaign would be begun, and the operations commenced before any account of the present motion could reach America. He was certain that neither Deane nor Franklin were invited to the French court, nor were admitted to the anti-chamber at Versailles, or to confront, or affront, the British minister there. They might have had interviews with some of the French ministry, but he was well authorised to confirm what had been advanced, that France at no time stood on a more friendly footing with this court than at present.

The Earl of *Shelburne* asserted, that the doctrines held out in the sermon alluded to by the dukes of Grafton and Manchester, were highly dangerous and reprehensible. He quoted parts of the discourse, and dared any prelate to avow such doctrine in that House. His lordship then took an extensive field of argument, and spoke relative to the state of France, the power of her navy, her connection with the Congress, and her intention at a proper op-

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portunity to attack us. He denied in the most positive terms her being ingenuous in her professions of friendship. Have you, said his lordship, insisted on Dr. Franklin and the other American deputies being sent from France? What answer have you received? Have you required the French ministers to shut their ports against the Americans, as Portugal has done? Have you explicitly demanded, that all American privateers should be removed from the French ports, and not be permitted to revisit them, either with or without their prizes? What answers have you received? Does France prevent her officers from serving in the American army? Has she not at this time 19 ships of the line completely fitted and lying at Brest, and 2,000 seamen taken out of her Newfoundland vessels ready to man four more? Has she not six ships of the line fitted and ready for sea at Toulon, and several ships and 6,000 troops at Hispaniola? Has not Spain a very capital fleet and army, completely manned and collected in Europe? Besides, has she not a considerable naval and land force in the West Indies? Will any noble lord rise, and tell me these things are not so; and will the noble lord at the head of the Admiralty (notwithstanding his great promises at the beginning of the session) now venture to inform your lordships, that on a sudden emergency he could command more than ten ships of the line? My lords, I will save the noble lord the trouble of answering this question by telling him, he could not. He said, every pretext of the ships which carried stores to America, being the adventures of private merchants, was fallacious, the private merchants of France were men of too little consideration to carry on such a trade; that 5,000*l.* sterling was more than any French merchants could raise, that there was no comparison to be made between the French and the English merchants, that the first were as petty, as poor, and as insignificant as the second were wealthy and respectable. His lordship declared, that having much leisure time, he had lately read a book entitled Political Papers, which treated of the public transactions in 1721, that in it he met with a passage which struck him much; cardinal Alberoni, the writer of one of the letters, talking to his correspondent on the subject of a war with Spain, said, "As long as you can keep the Spanish forces in Sicily, so long will you be safe from any attack from Spain." This, added his lordship, exactly suits the present times: France will let us convey all our men, and all our millions across the Atlantic; but will she suffer us to bring any of the former back again quietly? His lordship denied that the Americans had all along aimed at independency; he said the book which had been published under the title of Letters from the Marquis de Montcalm, in which that officer appeared to have sent word to Old France many years ago, that he discovered a spirit of independence in the people of New England, and that if the English did not take effectual care to check it, it would one day burst forth to the cost of the mother country, had been discovered to be a forgery, and that the marquis had never hinted such an idea. That the fact was, the Americans were exceedingly unwilling to declare themselves independent, nor did they adopt that measure till the severities of our acts of parliament drove them to it; that we had step by step forced them to take up arms and declare war; that after having so done, what could be expected but that they should defend themselves as well as they were able. He declared that general Washington was at the head of a large army, and that after having spent three campaigns to so little purpose, after having suffered our brigades to lose their vigour, and to be so reduced that they were hardly fit for service, was it likely that we should be more successful this year than the last? His lordship charged administration with holding out false lights to the people; he said the American secretary had declared, that there was so much difficulty in procuring men for the rebel army, that they were obliged to pay 30*l.* a man, that indeed he had afterwards owned his mistake, and said he meant 30 dollars, as he was no financier his mistake was pardonable, for surely it would be no greater fault in him not to know the difference between dollars and pounds, than it was for the great financier to mistake currency for sterling. Here his lordship took occasion to complain of the carelessness of the Treasury-board, in the making their contracts, and particularly mentioned that for rum, so severely handled in the House of Commons; he said he never heard so contemptible a defence as had been made for that business; but that the whole conduct of administration was of a piece; they scandalously submitted to the most public insults from the French; they were pitifully mean and pusillanimous towards the natural enemy of this kingdom, and barbarous, unjust and

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tyrannical towards their brethren and fellow subjects.

His lordship answered lords Gower and Lyttelton on the ground of an independent majority having supported the measures of administration for the last ten years. He said such assertions tended to deceive and mislead. That a majority within doors, and a majority without, were two matters essentially distinct. That no man more heartily revered the real, disinterested country gentlemen than he did. That early in life he had been taught to value and to esteem them; and that if he might quote the saying of a very able and respectable friend then near him, it would, he doubted not, convince their lordships of the veracity of his assertion. His noble friend many years since told him, "That he was better pleased with hearing a sensible and independent country gentleman talk for ten minutes, than with the finest speech that ever was uttered by an Attorney-general." "But," continued his lordship, "there is a line to be drawn; every country gentleman is not independent; there are modes of corruption which have found their way even to the land-holder, and he that has a vote is not always honest enough to avoid temptation." Taking the matter up, however, in the point of view, in which the noble lords have placed it, is not the great support of the British nation commerce? If the streams of commerce are stopped, will not men of all occupations feel the consequence? The tradesman, the shopkeeper, the mechanic, the manufacturer and the merchant, will not be the only sufferers, the country gentleman will find his land sink in value, in proportion as the country is drained of its wealth, and the means of increasing it are lost: the country gentleman, therefore, forsakes his interest, and suffers himself to be made the instrument of his own destruction, in supporting measures which evidently tend to promote the destruction of commerce. His lordship concluded with highly commending the motion, and thanking the noble earl for having made it.

The Archbishop of *York* said, he was proud to find himself of so much consequence. He did not mean to speak to the question; but as he was up, he should say a word or two. He said, the passage in the sermon alluded to by the noble lord, would serve and answer his purpose. He always thought that America aimed at independence; at least they disclaimed any dependence upon the British parliament; that their appeals to the King, in his mere regal capacity, as distinct from his parliament, plainly pointed that out; and that the doctrines maintained in support of chartered rights, uncontroulable by parliament, by which means a king may discharge any number of his subjects he pleases from the allegiance due to the other two branches of the legislature, was contrary to the fundamental principles of the constitution. He said, if he had described or pointed at any faction which did not exist in the state, he was content to bear the obloquy: or had maintained any doctrines that would not bear the test, he was ready to abide that degree of censure the offence merited. He trusted he had not. He did not suppose opposition would be willing to father all the doctrines imputed to the faction therein described; but as to the main ground for his reasons against the present motion, as well as those urged in the discourse, and on which he was well warranted in fixing a public stigma, they were to be found in the public protests and papers recorded in that House. He said, his way of life and mode of conducting himself, did not permit him to mix much with the world. He did not pretend to much knowledge of politics, but what he had learned from books. The publication so severely censured contained his sentiments. He might be mistaken, but he was nevertheless sincere. He was naturally inclined to live quietly, and on a friendly footing with all mankind; but there were insults of such a nature as not to be borne; nor would he bear to be insulted by even the proudest lord in that House.*

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* The following are Extracts from the Archbishop of York's Sermon:

"It is the usual artifice of faction to look for something colourable, by which the ignorant and unwary may be deceived, and this is commonly affected, by the adoption of a false, or the misapplication of a true principle.

"What is assumed upon the present occasion, is the glorious nature of liberty. Of this there can be no question; and I hope, that no times will be so wretchedly debased, as to make it a question in this free country. It is certainly the first and most valuable of all human possessions. It realizes and secures all the rest; and by those, who are in the enjoyment of it, ought to be maintained at all hazards. But it remains to be settled; wherein does it consist? I have sometimes thought it a misfortune, that a thing so valuable and important should have no word in our language to ex-

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The Earl of *Shelburne* observed, in reply, that the right reverend prelate had promulged those doctrines in a place where they could not be answered at the time; which, among other reasons, was a very good one for abstaining from using the pulpit as a medium for conveying party or factious doctrines. He, on the other hand, had controverted them in the face of the whole nation, where, if he erred or misrepresented, the right reverend prelate had every opportunity of confuting him, and defending his assertions. His lordship then put him in mind of his want of good manners; observed, that in his Sermon the word 'liberty' had stuck in his throat, being too hard for digestion. And added, that the greatest act of magnanimity in his Majesty was the removal from the tuition of his son, a man, who would not suffer

press it, except one which goes to every thing that is wild and lawless.

"If therefore we would avoid abusing our understanding with the ideas of savage liberty, which have no place in regulated society, we should use it with an addition, such as *legal* or *civil* liberty. It seems to consist, in a freedom from all restraints, except such as established law imposes, for the good of the community, to which the partial good of each individual is obliged to give place.

"As there are in the nature of things, but two sorts of government; that of law, and that of force; it wants no argument to prove, that under the last, freedom cannot subsist. If it subsists therefore, it must be under law; and of necessity that law must be supreme; for if it is not supreme, its power must be abridged by its enemy, force. The foundation therefore of legal freedom, is the supremacy of law. It has been acknowledged as such, by all common-wealths from the beginning of the world; as the only power which can protect our rights from their natural adversaries, despotism and anarchy. These indeed have usually gone together, for no anarchy ever prevailed, which did not end in despotism.

"The passions of men are restless and enterprising, the occasions which time may present to them are innumerable, and the possible situation of things much more various, than any wisdom can foresee. But the supremacy of law is a steady and uniform rule, to which those, who mean well, may in all circumstances safely adhere.

"To those indeed, who mean delinquency, it is not very favourable. This they were aware of, and have therefore substituted another rule, by which every man's humour or interest is to be made the measure of his obedience.

"By this system of political rights, ambition, revenge, envy, and avarice, with the other bad passions, the controuling of which is the very intent and meaning of law, are all let loose; and those dear interests, for the protection of which we trust in law, are at once abandoned to outrage.

"It is wonderful that so weak a system should find stability, even in popular madness. It is wonderful that extreme folly should not be more innocent. But it is most wonderful that those who have any thing to lose, should adopt such a system.

"Do they hold their distinctions and fortunes by any other tenure, than that of law? and will they put them to the hazard, for the chance of gaining something better in the uproar?

"This would be a more desperate species of gaming, than any other which is known, even in these times. But nothing is too mean for the uses of parties, especially as they are now constituted. Parties once had a principle belonging to them, absurd perhaps, and indefensible, but still carrying a notion of duty, by which honest minds might easily be caught.

"But there are now combinations of individuals, who instead of being the sons and servants of the community, make a league for advancing their private interests. It is their business to hold high the notion of political honour. I believe and trust it is not injurious to say, that such a bond is no better than that, by which the lowest and wickedest combinations are held together; and that it denotes the last stage of political depravity.

"There is another point, in the clearing of which the common cause of legal freedom is intimately concerned. Those, who maintain these doctrines, justify themselves by the glorious Revolution. Are the cases in any view similar? Or did the leaders in that great business act upon principles such as theirs? Many went into that enterprize, who were of different complexions and characters, and with very different designs and motives; some, who but little before, when they thought it their interest, were ready enough to have betrayed the constitution. But the best and honestest among them stood forth avowedly, as supporting the supremacy of law. Have these men done the same? or have they not, in every step of the American contest, assailed and insulted it? They have maintained, that a charter which issues from the king's sole pleasure, is valid against an act of parliament. They have maintained, that a king of England has the power to discharge any number of his subjects that he pleases, from the allegiance that is due to the state.

"They used their best endeavours to throw the whole weight and power of the colonies into the scale of the crown; but we thank God's good providence, that we had a prince upon the throne, whose magnanimity and justice were superior to such temptations. Of those men therefore they have taken the name, but not the principles, and have so far aspersed their memory."

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the word 'liberty' to be pronounced without a qualification. [Here a cry of Order! order!]

The Earl of *Mansfield*, by suddenly rising to speak, put a stop to all further altercation, but said nothing new upon the subject. He maintained his former opinions, respecting the American views of independency; but relied more upon what was urged in Montcalm's Letters, which he insisted were not spurious; upon the preamble of the Charter Act, passed in the reign of king William, to the province of Massachuset's Bay; to the resolutions agreed to in a committee of the House of Commons, in 1732; to the writings of a gentleman who published a tract on the colonies in 1749; to two or three other speculative opinions, thrown out by a few private individuals, in which, sir Josiah Child, in his Treatise on Trade, was included; than to any substantial proof drawn from their former or present conduct. The substance of his lordship's argument, (separated from his quotations) was, that the Americans had assumed to themselves, the dignity and rights of independent states. Would they descend from that proud situation to confer about terms of subordination? Certainly not. They must feel the superiority of your arms, before they will listen to you. The present is not a fit season to treat; try them, after this campaign, and then, if you are disposed to treat, take the large ground; but before you consent to such treaty, be sure that a disposition is begotten on both sides the water, to relax a little from mutual claims, and consent only to treat by commissioners; in order that the pulse of the leading people of America may be felt, and a certain knowledge acquired of what will compose the troubles of that country. This must be done before the subject of treating can properly come before parliament. But for one of the contending parties, and that the highest and greatest, to begin pacific negociations, by totally repealing all the statutes the other party complained of, was what he could not give his assent to; because it was not only in the first instance sacrificing the dignity of parliament and the nation to the unjust claims of the Americans, but it was placing them in a situation, to be treated with contempt, in case the Congress should tell you, they were independent states, and would not treat with any power on earth, who did not first acknowledge their independence.

Lord *Onslow* rose to defend a noble lord, in the other House (lord North) from what had fallen from the noble lord who spoke last but one. He insisted the charge was untrue; that the affair about the rum-contracts had been grossly misrepresented; that the contract had been made with all possible frugality, and lower than the navy contracts; and as to the blunder about currency and sterling, the noble lord alluded to, had said at first it was sterling, but being contradicted, gave it up for the time. On his return home, he found, however, the first assertion was right.

The question being put, the House divided: Not Contents 76, Proxies 23—99. Contents 26, Proxies 2—28. Majority against the Motion 71.

Mr. Speaker Norton's Speech to the King on presenting the Money Bills.] June 6. The King came to the House of Peers to put an end to the Session.

The *Speaker* of the House of Commons, on presenting the Money Bills, addressed his Majesty as follows:

"Most Gracious Sovereign;

"Your Majesty's loyal Commons have passed five Money Bills for the service of the current year. The first, a Bill for enabling your Majesty to defray the extra expences of the American war, and to make good the deficiency of the gold coin; the second for raising five millions by annuities, and for establishing a lottery; another for laying a tax upon servants; another for laying a tax upon auctions, and upon sales of estates, leases, and goods, by auction; and another for granting to your Majesty a certain sum out of the sinking fund, and for appropriating the several sums granted in this session to uses therein provided; to which your faithful Commons, Sir, humbly desire your assent. Your Commons, Sir, in the course of the present session, have applied themselves with all possible diligence to public business; and have done all in their power to procure the ease, happiness and prosperity of your subjects; and have granted the most ample supplies. They have strengthened the hands of government, and have done all in their power to promote a speedy and effectual reconciliation with America. They are fully conscious how necessary it is that the troubles in America should be amicably settled; and that the legislative authority of this country should be established and maintained

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over all your Majesty's dominions. Your faithful Commons, firmly relying on your Majesty's wisdom and true regard to the interest of all your subjects, have strengthened your hands in the fullest manner; and have every right to expect that your Majesty's subjects in America will return to a proper sense of their duty; and that disorder and rebellion will give place to peace and reconciliation."

The King's Speech at the Close of the Session.] His Majesty closed the Session with the following Speech to both Houses:

"My Lords, and Gentlemen;

"The conclusion of the public business, and the consideration of the inconvenience which I fear you must have suffered by so long an attendance, call upon me to put an end to this session of parliament: but I cannot let you go into your several counties without expressing my entire approbation of your conduct, and without thanking you for the unquestionable proofs you have given to me, and to all the world, of the continuance of your attachment to my person and government, of your clear discernment of the true interest of your country, and of your steady perseverance in maintaining the rights of the legislature.

"Gentlemen of the House of Commons;

"I cannot sufficiently thank you for the zeal and public spirit with which you have granted the large and extraordinary supplies, which I have found myself under the necessity of asking of my faithful Commons for the service of the current year; and I must at the same time acknowledge the particular marks of your affection to me, as well in enabling me to discharge the debts contracted on account of my civil government, as in making so considerable an augmentation to the Civil List revenue during my life.

"My Lords, and Gentlemen,

"I trust in the Divine Providence, that, by a well concerted and vigorous exertion of the great force you have put into my hands, the operations of this campaign, by sea and land, will be blest with such success, as may most effectually tend to the suppression of the rebellion in America, and to the re-establishment of that constitutional obedience, which all the subjects of a free state owe to the authority of law."

The Parliament was then prorogued to the 21st of July. It was afterwards further prorogued to the 18th of November.

FOURTH SESSION OF THE FOURTEENTH PARLIAMENT OF GREAT BRITAIN.

The King's Speech on Opening the Session.] November 18, 1777. His Majesty opened the Session with the following Speech to both Houses:

"My Lords, and Gentlemen;

"It is a great satisfaction to me, that I can have recourse to the wisdom and support of my parliament, in this conjuncture, when the continuance of the rebellion in North America demands our most serious attention. The powers which you have intrusted me with for the suppression of this revolt, have been faithfully exerted; and I have a just confidence, that the conduct and courage of my officers, and the spirit and intrepidity of my forces, both by sea and land, will, under the blessing of Divine Providence, be attended with important success: but as I am persuaded, that you will see the necessity of preparing for such further operations, as the contingencies of the war, and the obstinacy of the rebels, may render expedient, I am, for that purpose, pursuing the proper measures for keeping my land forces complete to their present establishment; and if I should have occasion to increase them, by contracting any new engagements, I rely on your zeal and public spirit, to enable me to make them good.

"I receive repeated assurances from foreign powers, of their pacific dispositions. My own cannot be doubted: but, at this time, when the armaments in the ports of France and Spain continue, I have thought it advisable to make a considerable augmentation to my naval force, as well to keep my kingdoms in a respectable state of security, as to provide an adequate protection for the extensive commerce of my subjects; and as, on the one hand, I am determined that the peace of Europe shall not be disturbed by me, so, on the other, I will always be a faithful guardian of the honour of the crown of Great Britain.

"Gentlemen of the House of Commons;

"I have ordered the Estimates for the ensuing year to be laid before you. The various services which I have mentioned to

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you will unavoidably require large supplies; and nothing could relieve my mind from the concern which I feel for the heavy charge which they must bring on my faithful people, but the perfect conviction that they are necessary for the welfare, and the essential interests of my kingdoms.

" My Lords, and Gentlemen;

" I will steadily pursue the measures in which we are engaged for the re-establishment of that constitutional subordination, which, with the blessing of God, I will maintain through the several parts of my dominions: but I shall ever be watchful for an opportunity of putting a stop to the effusion of the blood of my subjects, and the calamities which are inseparable from a state of war. And I still hope, that the deluded and unhappy multitude will return to their allegiance; and that the remembrance of what they once enjoyed, the regret for what they have lost, and the feelings of what they now suffer under the arbitrary tyranny of their leaders, will rekindle in their hearts a spirit of loyalty to their sovereign, and of attachment to their mother country; and that they will enable me, with the concurrence and support of my parliament, to accomplish, what I shall consider as the greatest happiness of my life, and the greatest glory of my reign, the restoration of peace, order, and confidence to my American colonies."

Debate in the Lords on the Address of Thanks.] His Majesty having retired,

Earl *Percy** rose. He said it had fallen to his lot to have the honour of moving an Address in answer to the most gracious Speech from the throne. He acknowledged his own insufficiency for an undertaking which called for the most zealous and energetic language that House was capable of expressing itself in. His lordship observed, an event had happened since they last sat there, which ought to give every noble lord the most heart-felt pleasure; that was, the birth of a princess, as it was an additional security to the Protestant religion, and the enjoyment of those constitutional rights which were known to be so peculiarly the care of the amiable and virtuous sovereign on the throne, and were likely to be transmitted to the latest posterity, through his illustrious house. He then applied himself particularly to the contents of the Speech, and passed the highest encomiums on the humane but firm spirit with which it was fraught. He acknowledged his obligations in common with the officers serving in America, for the very gracious testimony which has been given to their services by their royal master, and the high confidence he expressed, in the spirit and intrepidity of his forces, both by sea and land. He lamented, as a professional man, what a disagreeable situation persons serving in high commands stood in, when accidents, which it was frequently not in the power of the greatest military skill or foresight to descry or prevent, were attributed to neglect or incapacity. He lamented the fate of those brave and able men, who were thus liable to suffer under unjust censures; and whose absence in a distant country, necessarily prevented them from having an opportunity to defend themselves. From his own knowledge, he could affirm, that they were as cruel as ill founded. It was impossible, at this distance, to pass a judgment on the operations of war; it was injudicious and unfair to estimate their propriety by the events. It was with particular satisfaction, therefore, that he perceived his Majesty and his ministers, and he believed a very great majority of the nation, entertained sentiments of a very different kind. A great deal had been already done, considering what great obstacles were to be surmounted; and he had the best founded hope, that the issue would be no less prosperous, than the measures hitherto adopted were wise, and the execution of them honourable and glorious to those to whom it was entrusted. His lordship expressed great sorrow for the occasion of the war, and the effusion of human blood, which was inseparable from such a state; but he was convinced, how much soever his Majesty, the parliament and the nation might feel on the occasion, the temper of America made it necessary; the people there had been deluded and misled by their leaders; and nothing, he feared, would compel them to return to their allegiance, but a continuance of the same decisive exertions on our part, till we were fully enabled to convince them, that as our rights were indisputably supreme, so our strength was fully adequate to their full maintenance and support. He concluded his remarks on the Speech, with passing great commendations on that humane, gracious, fatherly spirit, which, he said, it breathed, and the invitation it held forth to our de-

* Hugh Percy, eldest son of the duke of Northumberland: succeeded his father in 1786.

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luded colonies, to return to their loyalty and their former constitutional connection and attachment to this country. His lordship then moved the following Address:

"Most Gracious Sovereign,

"We your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, in parliament assembled, beg leave to return your Majesty our humble thanks for your most gracious Speech from the throne.

"Permit us, Sir, to offer our congratulations to your Majesty on the increase of your domestic happiness by the birth of another princess, and the recovery of your royal consort; who is most highly endeared to this nation, as well by her Majesty's eminent and amiable virtues, as by every new pledge of security to our religious and civil liberties.

"We are duly sensible of your Majesty's goodness in recurring to the advice and support of your parliament in the present conjuncture, when the rebellion in North America still continues: and we return your Majesty our unfeigned thanks for having communicated to us the just confidence which your Majesty reposes in the zeal, intrepidity, and exertions of your Majesty's officers and forces, both by sea and land. But at the same time that we entertain a well-founded hope of the important successes which under the blessing of Providence, may be expected, we cannot but applaud your Majesty's unwearied vigilance and wisdom in recommending to us to prepare at all events, for such farther operations as the contingencies of the war and the obstinacy of the rebels may render expedient; we are therefore gratefully sensible of your Majesty's consideration in pursuing the measures necessary to keep your land forces complete to the present establishment: and we owe it both to your Majesty and ourselves to say, that we shall cheerfully concur in enabling your Majesty to make good such new engagements with foreign powers for the augmentation of the auxiliary troops, as the weighty motives your Majesty has stated to us may induce you to contract.

"It is with great satisfaction we learn that your Majesty receives repeated assurances from foreign powers of their pacific dispositions; and with hearts full of gratitude and admiration, we acknowledge your Majesty's humane, steady, and dignified conduct, which is equally well calculated to demonstrate to the world your Majesty's wish to preserve the general tranquillity of Europe, and your determination to maintain the honour of the crown, the security of these kingdoms, and the commercial interests of your subjects.

"We thankfully receive your Majesty's declaration of perseverance in the measures now pursuing for the re-establishment of a just and constitutional subordination through the several parts of your Majesty's dominions: and we beg leave to assure your Majesty that we participate the desire which at the same time animates your royal breast, to see a proper opportunity for putting an end to the effusion of blood, and the various calamities inseparable from a state of war.

"The constant tenor of your Majesty's reign has shewn that your whole attention is employed for the safety and happiness of all your people: and whenever our unhappy fellow-subjects in North America shall duly return to their allegiance; we shall readily concur in every wise and salutary measure which can contribute to restore confidence and order, and to fix the mutual welfare of Great Britain and her colonies on the most solid and permanent foundations."

The Earl of *Chesterfield* heartily agreed with what had been urged by the noble lord. He was persuaded that the increase of the present royal family was the best security for the Protestant religion, and the preservation of the constitutional liberties of this country. He said, our commanders in America, both by sea and land, were entitled to our highest confidence and thanks, and he made no doubt that their military skill, and the native intrepidity, and discipline of the troops, would in the end prevail. He lamented the occasion of employing them; but, he observed, it became necessary: he should therefore give his hearty concurrence to the Address.

The Earl of *Coventry*. I have frequently given my opinion of the impolicy of coercing America; and I am sorry that the means employed, as far as they have come to the knowledge of this House, have been so many fresh confirmations that I have not been mistaken. Not a noble lord is more firmly persuaded than myself, that the supreme controul over every dependency of this empire, is ultimately lodged in this legislature. The very essence of government require such a supremacy to be lodged somewhere; and it can hardly be seriously asserted, that the controul necessary to carry on the purposes of civil

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government, can be either divided or vested elsewhere. This supreme power, I do venture to affirm, pervades every part of the British dominions; but while I contend for this, I am equally convinced of the absurdity of exerting it at first, and the still greater folly of persevering in a conduct which, I fear, will sooner or later prove the destruction of this country. I now recommend what I have frequently before urged to your lordships, to consider this country and America, not what they are, but what they must be. Observe the scale both countries are laid down upon; consider the very different states they are, however slowly, approaching to. Attend to the vast extent of one, and the diminutive figure of Britain; to their domestic situations; to the increase of population in one, and the inevitable decline of it in the other; the luxury, dissipation, and all their concomitant effects in this country, and the frugality, industry, and consequent wise policy of America. These, my lords, were the main grounds on which I presumed to trouble you from time to time on this subject. I foresaw then, as I continue to do, that a period must arrive, when America would render herself independent; that this country would fall, and the seat of empire be removed beyond the Atlantic: nay, my lords, so firmly persuaded am I of the event, that I always held it as a certain and natural consequence of the connection between both countries. I therefore always wished, that that day should be postponed, as far as the causes I have mentioned could possibly admit of: for as surely, and as long as the grass continues to grow, or the smoke to ascend, the same causes will produce similar effects. As in the physical world they are uniform, so in the political they are no less certain.

I should, my lords, be very sorry to be misunderstood, as if I desired to accelerate the independence of America, on account of its unimportance to this country; nothing ever was farther from my thoughts; I know its value too well: I wished for the farther enjoyment of it, till I perceived that such an expectation was founded in error; that moment arrived, the instant the question relative to the right was agitated, or at least persisted in, so as to lay a foundation for measures of coercion. So long as we could have held America as a dependency, acknowledging spontaneously her subordination and political obedience to this country, America was worth retaining; when that friendly tie was broken, we should have endeavoured to conciliate; and if that did not succeed, then have proclaimed her independent, and brought over as friends and allies those whom a contrary conduct would of necessity have made our most inveterate and powerful enemies. But, my lords, besides those general reasons, others have since arisen, that give additional weight to my former arguments; the chief of which is, the immediate impracticability and danger of the measures now pursuing; the imminent peril of not only the premature loss of our colonies, but, what I think infinitely more important, the destruction of this country; the precipitating us into that ruin which could not be effected but by the slow progressive operations of those political causes, which I have now alluded to: causes, which must, in all human probability, have taken place, at some very remote period. Let your lordships advert seriously to the true state of this country; the critical situation of affairs in America; the disposition of foreign powers; their ability and inclination to annoy us; the uncertainty of military events, and the numerous difficulties attending the carrying on a war at such a distance; and I much doubt but your lordships will be strongly inclined to look forward to the very alarming consequences a perseverance such as that now recommended from the throne must be productive of. For my part, I see nothing but ruin before us, should they be adopted. Though late, it is better to sit down with our present loss, than continue to multiply those perils which surround us on every side. I think the only measure which promises even a temporary preservation, is to withdraw our fleets and armies, and, by making a virtue of necessity, declare America independent.

The Earl of *Chatham*:*

My lords; I most cheerfully agree with the first paragraph of the Address

* The following Report of the Earl of Chatham's Speech upon this occasion, was taken by Mr. Hugh Boyd. See vol. 18, p. 149. See also Boyd's Works, vol. 1, p. 283.

The Earl of *Chatham* said:

I rise, my lords, to declare my sentiments on this most solemn and serious subject. It has imposed a load upon my mind, which, I fear, nothing can remove; but which impels

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moved by the noble lord. I would even go prostrate myself at the foot of the throne, were it necessary, to testify my joy at any event which may promise to add to the domestic felicity of my sovereign, at any thing which may seem to give a farther security to the permanent enjoyment of the religious and civil rights of my fellow-subjects; but while I do this, I must at the same time express my strongest disapprobation of the address, and the fatal measures which it approves.

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me to endeavour its alleviation, by a free and unreserved communication of my sentiments.

In the first part of the Address, I have the honour of heartily concurring with the noble earl who moved it. No man feels sincerer joy than I do; none can offer more genuine congratulation on every accession of strength to the Protestant succession: I therefore join in every congratulation on the birth of another princess, and the happy recovery of her Majesty. But I must stop here; my courtly complaisance will carry me no further: I will not join in congratulation on misfortune and disgrace: I cannot concur in a blind and servile Address, which approves, and endeavours to sanctify, the monstrous measures which have heaped disgrace and misfortune upon us—which have brought ruin to our doors. This, my lords, is a perilous and tremendous moment! It is not a time for adulation. The smoothness of flattery cannot now avail—cannot save us in this rugged and awful crisis. It is now necessary to instruct the throne in the language of truth. We must dispel the delusion and the darkness which envelope it; and display, in its full danger and true colours, the ruin that is brought to our doors.

This, my lords, is our duty; it is the proper function of this noble assembly, sitting, as we do, upon our honours in this House, the hereditary council of the crown: and who is the minister—where is the minister, that has dared to suggest to the throne the contrary, unconstitutional language this day delivered from it? —The accustomed language from the throne has been application to parliament for advice, and a reliance on its constitutional advice and assistance: as it is the right of parliament to give, so it is the duty of the crown to ask it. But on this day, and in this extreme momentous exigency, no reliance is reposed on our constitutional counsels! no advice is asked from the sober and enlightened care of parliament! But the crown, from itself, and by itself, declares an unalterable determination to pursue measures—and what measures, my lords?—The measures that have produced the imminent perils that threaten us; the measures that have brought ruin to our doors.

Can the minister of the day now presume to expect a continuance of support, in this ruinous infatuation? Can parliament be so dead to its dignity and its duty, as to be thus deluded into the loss of the one, and the violation of the other?—To give an unlimited credit and support for the steady perseverance in measures; that is the word and the conduct—proposed for our parliamentary advice, but dictated and forced upon us—in measures, I say, my lords, which have reduced this late flourishing empire to ruin and contempt!—"But yesterday, and England might have stood against the world; now none so poor to do her reverence." I use the words of a poet; but though it be poetry, it is no fiction. It is a shameful truth, that not only the power and strength of this country are wasting away and expiring; but her well-earned glories, her true honour, and substantial dignity, are sacrificed. France, my lords, has insulted you; she has encouraged and sustained America; and whether America be wrong or right, the dignity of this country ought to spurn at the officious insult of French interference. The ministers and ambassadors of those who are called rebels and enemies, are in Paris; in Paris they transact the reciprocal interests of America and France. Can there be a more mortifying insult? Can even our ministers sustain a more humiliating disgrace? Do they dare to resent it? Do they presume even to hint a vindication of their honour, and the dignity of the state, by requiring the dismission of the plenipotentiaries of America? Such is the degradation to which they have reduced the glories of England! The people whom they affect to call contemptible rebels, but whose growing power has at last obtained the name of enemies; the people with whom they have engaged this country in war, and against whom they now command our implicit support in every measure of desperate hostility: this people, despised as rebels, or acknowledged as enemies, are abetted against you, supplied with every military store, their interests consulted, and their ambassadors entertained, by your inveterate enemy! and our ministers dare not interpose with dignity or effect. Is this the honour of a great kingdom? Is this the indignant spirit of England, who, "but yesterday," gave law to the House of Bourbon? My lords, the dignity of nations demands a decisive conduct in a situation like this. Even when the greatest prince that perhaps this country ever saw filled our throne, the requisition of a Spanish general, on a similar subject, was attended to, and complied with; for, on the spirited remonstrance of the duke of Alva, Elizabeth found herself obliged to deny the Flemish exiles all countenance, support, or even entrance into her dominions; and the count le Marque, with his few desperate followers, was expelled the kingdom. Happening to arrive at the Brille, and finding it weak in defence, they made themselves masters of the place: and this was the foundation of the United Provinces.

My lords, this ruinous and ignominious situation, where we cannot act with success, nor

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My lords, it was customary for the King, on similar occasions, not to lead parliament, but to be guided by it. It was usual, I say, my lords, to ask the advice of this House, the hereditary great council of the nation, not to dictate to it. My lords, what does this Speech say? It tells you of measures already agreed upon, and very cavalierly desires your concurrence. It, indeed, talks of wisdom and support; it counts on the certainty of events yet in the womb of time; but in point of plan

suffer with honour, calls upon us to remonstrate in the strongest and loudest language of truth, to rescue the ear of Majesty from the delusions which surround it. The desperate state of our arms abroad is in part known: no man thinks more highly of them than I do: I love and honour the English troops: I know their virtues and their valour: I know they can achieve any thing except impossibilities; and I know that the conquest of English America is an impossibility. You cannot, I venture to say it, you cannot conquer America. Your armies last war effected every thing that could be effected; and what was it? It cost a numerous army, under the command of a most able general, (sir Jeffery Amherst), now a noble lord in this House, a long and laborious campaign, to expel 5,000 Frenchmen from French America. My lords, you cannot conquer America. What is your present situation there? We do not know the worst; but we know, that in three campaigns we have done nothing and suffered much. Besides the sufferings, perhaps total loss, of the northern force *; the best appointed army that ever took the field, commanded by sir William Howe, has retired from the American lines; he was obliged to relinquish his attempt, and with great delay and danger, to adopt a new and distant plan of operations. We shall soon know, and in any event have reason to lament, what may have happened since. As to conquest, therefore, my lords, I repeat, it is impossible.—You may swell every expence, and every effort, still more extravagantly; pile and accumulate every assistance you can buy or borrow; traffic and barter with every little pitiful German prince, that sells and sends his subjects to the shambles of a foreign prince; your efforts are for ever vain and impotent—doubly so from this mercenary aid on which you rely; for it irritates, to an incurable resentment, the minds of your enemies—to over-run them with the mercenary sons of rapine and plunder; devoting them and their possessions to the rapacity of hireling cruelty! If I were an American, as I am an Englishman, while a foreign troop was landed in my country, I never would lay down my arms—never—never—never.

* "General Burgoyne's army. The history of it is short: most of its bravest officers fell; and about half its numbers: the rest surrendered to the enemy on the 17th of October, 1777. See the Gazettes. The account of this total loss, as the noble speaker's prescience expressed it on the 18th of November, arrived in England in the beginning of December." Boyd.

Your own army is infected with the contagion of these illiberal allies. The spirit of plunder and of rapine is gone forth among them. I know it—and notwithstanding what the noble earl, who moved the Address, has given as his opinion of our American army, I know from authentic information, and the most experienced officers, that our discipline is deeply wounded. Whilst this is notoriously our sinking situation, America grows and flourishes: whilst our strength and discipline are lowered, theirs are rising and improving.

But, my lords, who is the man, that in addition to these disgraces and mischiefs of our army, has dared to authorise and associate to our arms the tomahawk and scalping-knife of the savage? To call into civilized alliance, the wild and inhuman savage of the woods; to delegate to the merciless Indian the defence of disputed rights, and to wage the horrors of his barbarous war against our brethren? My lords, these enormities cry aloud for redress and punishment; unless thoroughly done away, it will be a stain on the national character—it is a violation of the constitution—I believe it is against law. It is not the least of our national misfortunes, that the strength and character of our army are thus impaired; infected with the mercenary spirit of robbery and rapine—familiarized to the horrid scenes of savage cruelty, it can no longer boast of the noble and generous principles which dignify a soldier; no longer sympathize with the dignity of the royal banner, nor feel the pride, pomp, and circumstance of glorious war, "that make ambition virtue!" What makes ambition virtue?—the sense of honour. But is the sense of honour consistent with a spirit of plunder, or the practice of murder? Can it flow from mercenary motives, or can it prompt to cruel deeds? Besides these murderers and plunderers, let me ask our ministers, what other allies have they acquired? What other powers have they associated to their cause? Have they entered into alliance with the king of the gypsies? Nothing, my lords, is too low or too ludicrous to be consistent with their counsels.

The independent views of America have been stated and asserted as the foundation of this Address. My lords, no man wishes for the due dependence of America on this country more than I do. To preserve it, and not confirm that state of independence into which your measures hitherto have driven them, is the object which we ought to unite in attaining. The Americans, contending for their rights against the arbitrary exactions, I love and admire; it is the struggle of free and virtuous patriots:

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and design it is peremptory and dictatorial. Is this a proper language to be used to your lordships? Is this a language fit to be endured? Is this high pretension to over-rule the dispositions of Providence itself, and the will and judgment of parliament, justified by any former conduct or precedent prediction? No, my lords, it is the language of an ill-founded confidence; a confidence, my lords, I will be bold to say, supported hitherto only by a succession of disappointments, disgraces,

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but contending for independency and total disconnection from England, as an Englishman, I cannot wish them success: for, in a due constitutional dependency, including the ancient supremacy of this country in regulating their commerce and navigation, consists the mutual happiness and prosperity both of England and America. She derived assistance and protection from us; and we reaped from her the most important advantages:—she was, indeed, the fountain of our wealth, the nerve of our strength, the nursery and basis of our naval power. It is our duty, therefore, my lords, if we wish to save our country, most seriously to endeavour the recovery of these most beneficial subjects: and in this perilous crisis, perhaps the present moment may be the only one in which we can hope for success: for in their negociations with France, they have, or think they have, reason to complain: though it be notorious that they have received from that power important supplies and assistance of various kinds, yet it is certain they expected it in a more decisive and immediate degree. America is in ill humour with France, on some points that have not entirely answered her expectations: let us wisely take advantage of every possible moment of reconciliation. Besides, the natural disposition of America herself still leans towards England; to the old habits of connection and mutual interest that united both countries. This was the established sentiment of all the continent; and still, my lords, in the great and principal part, the sound part of America, this wise and affectionate disposition prevails; and there is a very considerable part of America yet sound—the middle and the southern provinces; some parts may be factious and blind to their true interests; but if we express a wise and benevolent disposition to communicate with them those immutable rights of nature, and those constitutional liberties, to which they are equally entitled with ourselves; by a conduct so just and humane, we shall confirm the favourable and conciliate the adverse. I say, my lords, the rights and liberties to which they are equally entitled with ourselves, but no more. I would participate to them every enjoyment and freedom which the colonizing subjects of a free state can possess, or wish to possess; and I do not see why they should not enjoy every fundamental right in their property, and every original substantial liberty, which Devonshire or Surrey, or the county I live in, or any other county in England, can claim; reserving always, as the sacred right of the mother country, the due constitutional dependency of the colonies. The inherent supremacy of the state in regulating and protecting the navigation and commerce of all her subjects, is necessary for the mutual benefit and preservation of every part, to constitute and preserve the prosperous arrangement of the whole empire.

The sound parts of America, of which I have spoken, must be sensible of these great truths, and of their real interests. America is not in that state of desperate and contemptible rebellion, which this country has been deluded to believe. It is not a wild and lawless banditti, who having nothing to lose, might hope to snatch something from public convulsions; many of their leaders and great men have a great stake in this great contest:—the gentleman who conducts their armies, I am told, has an estate of 4 or 5,000*l.* a year: and when I consider these things, I cannot but lament the inconsiderate violence of our penal acts, our declarations of treason and rebellion, with all the fatal effects of attainder and confiscation.

As to the disposition of foreign powers, which is asserted in the Speech from the throne to be pacific and friendly, let us judge, my lords, rather by their actions and the nature of things, than by interested assertions. The uniform assistance, supplied to America by France, suggests a different conclusion:—the most important interests of France, in aggrandizing and enriching herself with what she most wants, supplies of every naval store from America, must inspire her with different sentiments. The extraordinary preparations of the House of Bourbon, by land and by sea, from Dunkirk to the Streights, equally ready and willing to overwhelm these defenceless islands, should rouse us to a sense of their real disposition, and our own danger. Not 5,000 troops in England!—hardly 3,000 in Ireland! What can we oppose to the combined force of our enemies? Scarcely 20 ships of the line fully or sufficiently manned, that any admiral's reputation would permit him to take the command of. The river of Lisbon in the possession of our enemies! —The seas swept by American privateers: our channel trade torn to pieces by them! in this complicated crisis of danger, weakness at home, and calamity abroad, terrified and insulted by the neighbouring powers,—unable to act in America, or acting only to be destroyed;—where is the man with the forehead to promise or hope for success in such a situation? or, from perseverance in the measures that have driven us to it? Who has the forehead to do so? Where is that man? I should be glad to see his face.

You cannot conciliate America by your present measures—you cannot subdue her by your present, or by any measures. What, then, can you do? You cannot conquer, you cannot gain,

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and defeats. I am astonished how any minister dare advise his Majesty to hold such a language to your lordships. I would be glad to see the minister that dare avow it in his place. What is the import of this extraordinary application? What but an unlimited confidence in those who have hitherto misguided, deceived, and misled you? It is, I maintain, unlimited; it desires you to grant, not what you may be satisfied is necessary, but what his Majesty's ministers may chuse to think so:

but you can *address*; you can lull the fears and anxieties of the moment into an ignorance of the danger that should produce them. But, my lords, the time demands the language of truth:—we must not now apply the flattering unction of servile compliance, or blind complaisance. In a just and necessary war, to maintain the rights or honour of my country, I would strip the shirt from my back to support it. But in such a war as this, unjust in its principle, impracticable in its means, and ruinous in its consequences, I would not contribute a single effort, nor a single shilling. I do not call for vengeance on the heads of those who have been guilty; I only recommend to them to make their retreat: let them walk off; and let them make haste, or they may be assured that speedy and condign punishment will overtake them.

My lords, I have submitted to you, with the freedom and truth which I think my duty, my sentiments on your present awful situation. I have laid before you, the ruin of your power, the disgrace of your reputation, the pollution of your discipline, the contamination of your morals, the complication of calamities, foreign and domestic, that overwhelm your sinking country. Your dearest interests, your own liberties, the constitution itself, totters to the foundation. All this disgraceful danger, this multitude of misery, is the monstrous offspring of this unnatural war. We have been deceived and deluded too long: let us now stop short: this is the crisis—may be the only crisis, of time and situation, to give us a possibility of escape from the fatal effects of our delusions. But if in an obstinate and infatuated perseverance in folly we slavishly echo the peremptory words this day presented to us, nothing can save this devoted country from complete and final ruin. We madly rush into multiplied miseries and "confusion worse confounded."

Is it possible, can it be believed, that ministers are yet blind to this impending destruction?—I did hope, that instead of this false and empty vanity, this over-weening pride, engendering high conceits, and presumptuous imaginations—that ministers would have humbled themselves in their errors, would have confessed and retracted them, and by an active, though a late repentance, have endeavoured to redeem them. But, my lords, since they had neither sagacity to foresee, nor justice nor humanity to shun, these oppressive calamities: since, not even severe experience can make them feel, nor the imminent ruin of their country awaken them from their stupefaction, the guardian care of parliament must interpose. I shall, therefore, my lords, propose to you an Amendment to the Address to his Majesty, to be inserted immediately after the two first paragraphs of congratulation on the birth of a princess: to recommend an immediate cessation of hostilities, and the commencement of a treaty to restore peace and liberty to America, strength and happiness to England, security and permanent prosperity to both countries. This, my lords, is yet in our power; and let not the wisdom and justice of your lordships neglect the happy, and perhaps the only opportunity. By the establishment of recoverable law, founded on mutual rights, and ascertained by treaty, these glorious enjoyments may be firmly perpetuated. And let me repeat to your lordships, that the strong bias of America, at least of the wise and sounder parts of it, naturally inclines to this happy and constitutional re-connection with you. Notwithstanding the temporary intrigues with France, we may still be assured of their ancient and confirmed partiality to us. America and France cannot be congenial; there is something decisive and confirmed in the honest American, that will not assimilate to the futility and levity of Frenchmen.

My lords, to encourage and confirm that innate inclination to this country, founded on every principle of affection, as well as consideration of interest—to restore that favourable disposition into a permanent and powerful reunion with this country—to revive the mutual strength of the empire;—again, to awe the House of Bourbon, instead of meanly truckling, as our present calamities compel us, to every insult of French caprice, and Spanish punctilio—to re-establish our commerce—to re-assert our rights and our honour—to confirm our interests, and renew our glories for ever (a consummation most devoutly to be endeavoured! and which, I trust, may yet arise from reconciliation with America)—I have the honour of submitting to you the following Amendment; which I move to be inserted after the two first paragraphs of the Address.

In the course of the debate, lord Suffolk, secretary of state for the northern department, undertook to defend the employment of the Indians in the war. His lordship contended, that, besides its policy and necessity, the measure was also allowable on principle; for that "it was perfectly justifiable to use all the means that God and nature put into our hands." Upon this,

The Earl of *Chatham* rose again:

I am astonished! (exclaimed he) shocked! to hear such principles confessed—to hear

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troops, fleets, treaties, and subsidies, not yet revealed. Should your lordships agree to the present address, you will stand pledged to all this; you cannot retreat; it binds you to the consequences, be they what they may.

My lords, whoever gave this pernicious counsel to the King, ought to be made answerable to this House, and to the nation at large, for the consequences. The precedent is dangerous and unconstitutional. Who, I say, has had the temerity to tell the King, that his affairs are in a prosperous condition? and who, of course, is the author of those assurances, which are this day given you, in order to mislead you?

My lords, what is the present state of this nation? It is big with difficulty and danger; it is full of the most destructive circumstances: I say, my lords, it is truly perilous. What are these little islands, Great Britain and Ireland? What is your defence? Nothing. What is the condition of your formidable and inveterate enemies, the two leading branches of the House of Bourbon? They have a formidable navy; I say, my lords, their intentions are hostile. I know it. Their coasts are lined with troops, from the furthermost part of the coast of Spain up to Dunkirk. What have you to oppose them? Not 5,000 men

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them avowed in this House, or in this country: principles equally unconstitutional, inhuman, and unchristian!

My lords, I did not intend to have encroached again upon your attention; but I cannot repress my indignation—I feel myself impelled by every duty. My lords, we are called upon as members of this House, as men, as Christian men, to protest against such notions standing near the throne, polluting the ear of majesty. "That God and nature put into our hands." I know not what ideas that lord may entertain of God and nature; but I know that such abominable principles are equally abhorrent to religion and humanity. What! to attribute the sacred sanction of God and nature to the massacres of the Indian scalping-knife—to the cannibal savage torturing, murdering, roasting, and eating; literally, my lords, eating the mangled victims of his barbarous battles! Such horrible notions shock every precept of religion, divine or natural, and every generous feeling of humanity. And, my lords, they shock every sentiment of honour; they shock me as a lover of honourable war, and a detester of murderous barbarity.

These abominable principles, and this more abominable avowal of them, demand the most decisive indignation. I call upon that right reverend bench, those holy ministers of the gospel, and pious pastors of our church; I conjure them to join in the holy work, and vindicate the religion of their God: I appeal to the wisdom and the law of this learned bench, to defend and support the justice of their country: I call upon the bishops, to interpose the unsullied sanctity of their lawn;—upon the learned judges, to interpose the purity of their ermine, to save us from this pollution: I call upon the honour of your lordships, to reverence the dignity of your ancestors, and to maintain your own: I call upon the spirit and humanity of my country, to vindicate the national character: I invoke the genius of the constitution. From the tapestry that adorns these walls, the immortal ancestor of this noble lord* frowns with indignation at the disgrace of his country. In vain he led your victorious fleets against the boasted Armada of Spain; in vain he defended and established the honour, the liberties, the religion, the Protestant religion, of this country, against the arbitrary cruelties of Popery and the Inquisition, if these more than popish cruelties and inquisitorial practices are let loose among us; to turn forth into our settlements, among our ancient connexions, friends, and relations, the merciless cannibal, thirsting for the blood of man, woman, and child! to send forth the infidel savage—against whom? against your Protestant brethren; to lay waste their country, to desolate their dwellings, and extirpate their race and name, with these horrible hell-hounds of savage war!—hell-hounds, I say, of savage war. Spain armed herself with blood-hounds to extirpate the wretched natives of America; and we improve on the inhuman example even of Spanish cruelty; we turn loose these savage hell-hounds against our brethren and countrymen in America, of the same language, laws, liberties, and religion; endeared to us by every tye that should sanctify humanity.

My lords, this awful subject, so important to our honour, our constitution, and our religion, demands the most solemn and effectual enquiry. And I again call upon your lordships, and the united powers of the state, to examine it thoroughly and decisively, and to stamp upon it an indelible stigma of the public abhorrence. And I again implore those holy prelates of our religion, to do away these iniquities from among us. Let them perform a lustration; let them purify this House, and this country, from this sin.

My lords, I am old and weak, and at present unable to say more; but my feelings and indignation were too strong to have said less. I could not have slept this night in my bed, nor reposed my head on my pillow, without giving this vent to my eternal abhorrence of such preposterous and enormous principles.

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* Lord Effingham.—Lord Effingham Howard was Lord High Admiral of England against the Spanish Armada; the destruction of which is represented in the tapestry.

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in this island; nor more in Ireland; nor above 20 ships of the line, manned and fit for service. My lords, without peace, without an immediate restoration of tranquillity, this nation is ruined. What has been the conduct of your ministers? How have they endeavoured to conciliate the affection and obedience of their American brethren? They have gone to Germany; they have sought the alliance and assistance of every pitiful, beggarly, insignificant, paltry German prince, to cut the throats of their loyal, brave, and injured brethren in America. They have entered into mercenary treaties with those human butchers, for the purchase and sale of human blood. But, my lords, this is not all; they have entered into other treaties. They have let the savages of America loose upon their innocent, unoffending brethren; loose upon the weak, the aged, and defenceless; on old men, women, and children; on the very babes upon the breast, to be cut, mangled, sacrificed, broiled, roasted, nay, to be literally eat. These, my lords, are the allies Great Britain now has; carnage, desolation, and destruction, wherever her arms are carried, is her newly adopted mode of making war. Our ministers have made alliances at the German shambles; and with the barbarians of America, with the merciless torturers of their species; where they will next apply, I cannot tell; for my part, I should not be surprised if their next league was with the king of the gypsies, having already scoured all Germany and America, to seek the assistance of cannibals and butchers. The arms of this country are disgraced, even in victory as well as defeat. Is this consistent, my lords, with any part of our former conduct? Was it by means like these we arrived at that pinnacle of fame and grandeur, which, while it established our reputation in every quarter of the globe, gave the fullest testimony of our justice, mercy, and national integrity. Was it by the tomahawk and scalping-knife, that British valour and humanity became in a manner proverbial; and the honours of war, and the *eclat* of conquest, became but matters of secondary praise, when compared to those of national humanity and national honour? Was it by setting loose the savages of America, to embrue their hands in the blood of our enemies, that the duties of the soldier, the citizen, and the man, came to be united? Is this honourable warfare, my lords? Does it correspond with the language of the poet —"The pride, pomp, and circumstance of glorious war, that make ambition virtue."

No, my lords, if success is ever to attend the British arms, Britain must recur to her former means of conquest. America will never submit to be slaughtered by foreign mercenaries. If any thing is to be effected, it must be by British levies, and British valour. In such a cause, should the raising of British troops become necessary, I should cheerfully co-operate. I would, my lords, sell my shirt off my back to assist in proper measures, properly and wisely conducted; but I would not part with a single shilling to the present ministers. Their plans are founded in destruction and disgrace. It is, my lords, a ruinous and destructive war; it is full of danger; it teems with disgrace, and must end in ruin. Our coasts are daily insulted; our seas are torn with American privateers; we are destitute of protection; and we have lost the port of Lisbon, the only safe resort of our fleets, ships of war, and merchant-men. Should France and Spain throw off the mask, and declare against us; should we continue to prosecute the same destructive system we have been now for the three last years unhappily and madly engaged in, that truly alarming event cannot be far distant. Those powers will most inevitably profit of our want of wisdom, if we do not immediately prevent it. The moment is critical, our situation is perilous, and we should trust as little as possible to events, which, according to every probable appearance, are more likely to make against, than for us.

My lords, the House of Bourbon is ready to break with us; they abet the cause of our subjects. Now is the time, my lords, in which only we shall have it in our power to treat with America. France and Spain have done a great deal; but they have declined to do all that America has desired. America is in an ill humour; it may now be detached from its connections with those powers, if reasonable terms of accommodation are held out to them; if not, the opportunity will be lost; an opportunity, I will venture to say, we shall never again have. But your lordships will ask, supposing we were willing to treat, is America equally well inclined? To this I shall generally answer, that I think the political connection and superiority of this country with and over America is indissoluble and indisputable. I think this empire to be entire, but the peculiar rights, privileges, and immunities of

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its several constituent parts, to be sacred and inviolable; I was consequently against any express parliamentary avowal of that right, because I thought it impolitic and unnecessary; [His lordship alluded to the Declaratory law.] but as to America, and its views of independency, I must own, I always looked upon that country to be as much a part of Great Britain, to every purpose but that of taxation, as Devonshire, Surrey, or Middlesex. When I say this, I would be perfectly and clearly understood, to reserve the colonies their municipal rights; the preservation of their charters; and above all, the right of taxing themselves; for without this last right, I can never be brought to believe that America will return to its former state; or if it should, that the colonies would have, in truth, any thing they could justly call their own. I would have your lordships consider what this unlimited claim of taxation goes to, that a venal herd, at 3,000 miles distance, assume to themselves the power of disposing of the fortunes and estates of a people, whose temper, abilities, and dispositions, whose wants, grievances, or material interests, they are totally ignorant of. There are many men of property in America; and of landed property too. Mr. Washington, who now commands what is called this night the rebel forces, is worth 5,000*l.* a year; there are many others, men of considerable fortunes, sense, and understanding. Can it be believed, is it natural to expect, that such men of native weight, abilities, and consequence, will ever acknowledge a right of taxation, which would subject their property to the arbitrary controul and disposition of persons with whom they are totally unacquainted and unconnected? The idea is absurd. The Americans are a wise, industrious, and prudent people. They possess too much good sense, and too much spirit, ever to submit to hold their properties on so precarious and disgraceful a tenure. They see us, besides, immersed in luxury, dissipation, venality, and corruption; they perceive, that if even they were willing to contribute, to what purposes their contributions would be applied; to nothing but the extinction of public and private virtue there, as has already been the case here. The idea of taxation, my lords, I think, therefore, both unjust and impracticable; but the great bond of union, the only tax we should or ought to expect from them, that derived from their trade, must be secured. I will never consent to the American claims of sovereignty. If there be any in this House who contend for it, I disclaim all connections with them. I shall be ever for securing the constitutional dependency of the colonies on this country; and it is principally with that view I make the present motion, which is solely directed to that point. An opening now presents itself. I would wish your lordships to embrace it. I mean to propose a cessation of hostilities, as the first step towards so desirable a work. If your lordships should approve of it, I mean to follow it with a proposition for appointing a committee to consider of such immediate measures as may empower the crown to send commissioners, vested with certain powers, to treat on specific terms; and if America should prove deaf to all reasonable overtures on our part, in which, as the basis of the whole, the preservation of the Act of Navigation should be one; then it will remain with your lordships to consider of the properest measures to compel them to a performance of that duty, which they would, by so unnatural a conduct, most unjustly withhold. I think I might safely pledge myself that such an offer would not fail to succeed. I know that faction reigns in some part of America, and that, probably, some who compose that faction look for independency, and nothing else. I know, too, that the middle colonies are more temperate, and that they, and those to the southward, if they had the security now mentioned, would gladly return to their former state. Many other objections may be raised against such a plan. It may be said, who shall offer, and where will be the security on either hand for a faithful performance, should the troops be withdrawn, or the levies disbanded? To this I answer, not by any declarations of right here, or assertions of it there, but barely by operative acts here, consented to, acknowledged and ratified by the several assemblies in America. These are my ideas, founded, I believe, on a thorough knowledge of the people of that country. I know that the war you are carrying on there is a ruinous one, and totally impracticable. I know, if you should determine to prosecute it, you must raise home levies; for I am persuaded that the colonies will never consent to treat with you, nor submit, while there is a single foreign troop in your service. His lordship then moved an Amendment to the said Address, by leaving out from the end of the second paragraph to the

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end of the motion, and instead thereof inserting the following words;

"And that this House does most humbly advise and supplicate his Majesty to be pleased to cause the most speedy and effectual measures to be taken for restoring peace in America; and that no time may be lost in proposing an immediate cessation of hostilities there, in order to the opening of a treaty for the final settlement of the tranquillity of those invaluable provinces, by a removal of the unhappy causes of this ruinous civil war, and by a just and adequate security against the return of the like calamities in times to come. And this House desire to offer the most dutiful assurances to his Majesty, that they will, in due time, cheerfully co-operate with the magnanimity and tender goodness of his Majesty for the preservation of his people, by such explicit and most solemn declarations and provisions of fundamental and irrevocable laws, as may be judged necessary for ascertaining and fixing for ever, the respective rights of Great Britain and her colonies."

The Earl of *Sandwich*. I am persuaded of the great talents of the noble earl, who has now presented you with so alarming a state of our public affairs. His powers of oratory are universally acknowledged, and that with great justice. This nation owes him very signal obligations, as a senator and a statesman; but, with all possible deference for the noble lord's abilities and opinions, I freely confess, that I cannot agree with his lordship in a single argument he has urged in support of his amendment. Oratory is one thing, my lords, and truth, reason, and conviction another. When the matter the noble earl has urged this night is separated from the manner and oratoric powers which has accompanied it, it will be found to contain nothing that can induce your lordships to dissent from the address now moved. It is, in my apprehension, though urged with all possible plausibility, totally destitute of any thing which bears the resemblance of argument. The noble lord has, I presume, been much misinformed: otherwise he would never have asserted what I know myself to be unsupported by fact. I do not impute to his lordship any intentional design to mislead; but speaking of matters within my own knowledge, I hope his lordship will excuse me for dissenting from him, and endeavouring to set the House right on facts, which, if not contradicted, might be presumed to be true. I should not have, indeed, troubled your lordships, if I had not looked upon myself specially called upon to explain what must have come under my own cognizance, in my official situation, as presiding at the naval department. It is rather a disagreeable task. There may be many strangers and foreigners present; and what passes here this night, in discharge of my duty, as an official man, may be wafted by the next post to the continent; but the noble lord's assertions call for explanations. Lest therefore, it should get out into the world, that the noble earl's confident assertions, respecting our navy, are just, I shall crave your lordships' indulgence, for entering a little more than usual into detail.

I do not, my lords, mean to controvert his lordship's facts on mere memory, I speak from authorities not to be contradicted. The noble earl asserts, that the whole of our naval home-defence does not amount to 20 ships of the line, fit for the sea. [Contradicted.] I mean, that we had not 20 ships of the line manned for actual service. I tell the noble earl, that he has been misinformed; and that he should not again credit those who have in this instance so grossly deceived him. I have the list now before me; and I will venture to assure him, that we have double that number. We have now 42 ships of the line in commission, in Great Britain; 35 of which are completely manned, and ready for sea at a moment's warning. These 35 ships, when their complements are full, require 20,890 men, seamen and marines included. Of this number, 18,240 are actually shipped, and the remainder are ready as soon as called for. The deficiency is composed of 2,035 marines and 600 seamen, who are now at the several ports. The marines are on shore, on purpose to improve them in discipline, and the use of arms; two-thirds of them being nearly composed of recruits; the 600 seamen are distributed aboard the other seven ships, whose complements are not yet formed. Those seven ships will require 4,000 seamen and marines, in the proportion of 700 marines to 3,300 seamen. Of the seamen, there are 900 already on board those seven ships; so that of the 42 ships of the line in commission, all sound, provided, and well found, there are 2,400 seamen and 700 marines wanting. The former can be procured at a very short notice, by the means of a press, or on an emergency, recalling the protections now out, and other justifiable means; and

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as to the marines, they could be completed by recruits, as in the instance before-mentioned. This information is supported by documents not to be disputed. The noble earl seems to doubt of our state of preparation against any sudden attack in America: as to that, I can inform his lordship, that our whole force serving under lord Howe consists of 93 ships and vessels of war; six of these are of the line of battle; besides which, there are 87 frigates, sloops, and vessels of force. The noble earl has dwelt greatly on the ravages and insults of the American privateers, both in America and on our own coasts. As to the first, the best answer will be, the great number of rebel vessels our ships on the American station have taken, and the very few losses we have sustained in those seas; and as to the latter, the number of frigates and armed vessels which were requisite for carrying on the naval operations under lord Howe, I acknowledge, stript us of our frigates: but care has been taken since to remedy that evil and replace them: 34 frigates and smaller vessels were before in commission, and employed on different services; ten have been built in the King's yards since, 30 in private ones, besides 20 that have been purchased from the merchants, or are retained and paid as vessels of force; making in the whole between 90 and 100. From these facts, I venture not only to contend that the noble earl has been grossly deceived, but that we have a naval force now ready for sea, should France and Spain entertain any hostile disposition towards us, much superior to any they can muster. I believe they have not any such intention: but should the worst happen, I am persuaded, from my own certain knowledge, that they have nothing able to cope with us in Europe, as our whole force now fit for, or on actual service, consists of 54 ships of the line, and upwards of 200 frigates, sloops, &c. The noble earl asked, after giving an account of the deplorable state of our navy, with what justice I leave with your lordships to now determine, where is the man of reputation in his profession would stake his credit on any naval force we are able to send out? I will answer his lordship, that there is such a man (admiral Keppel) to be found, who knows the present state of the navy, and is ready to stake his credit on the issue, and willing to meet the enemies of this country, if any such there be —as brave, gallant, and experienced an officer, as respectably connected, and as nobly allied, as any in the service; a man in whom the noble lord himself would wish to confide, and of whom he entertains the most exalted opinion.

The noble lord says, we have lost the port of Lisbon, and that Portugal is no longer our ally: this information, I must confess, is totally new to me. I know, by the last return I have had from thence, the Invincible, a 74 gun ship, was in that port; and unless his lordship has had some secret account, that she has been either lost or taken by an American privateer, I can hardly credit that we have lost the port of Lisbon: as to the other point, on which I presume his lordship meant seriously to support the assertion, I can answer his lordship, that the Portuguese court has repeatedly given us the fullest assurances of their friendly disposition; have expressed an abhorrence of the unnatural conduct of our rebellious subjects; and, as a further proof of the sincerity of their declarations, have forbid them to enter their ports; nay more, have confiscated one of their vessels for having endeavoured to disobey the proclamation, which last circumstance excited the resentment of the rebels so much, that one of their privateers, by way of reprisal, made a capture of a Portuguese merchant-man, richly laden.

My lords, from what I have now submitted to you, I am authorised to affirm, that our navy is more than a match for that of the whole House of Bourbon. I am not ashamed to say it, nor shew my front on the occasion. There are many fronts in this House, I perceive, [looking over the way,] which seem now to be spread with joy and gladness; but I believe the time is not far off, when they will wear a very different aspect. I trust, we shall shortly hear intelligence from general Howe, that will occasion that change. I should, my lords, be extremely sorry, as presiding at the Admiralty-board, if I permitted at any time the French and Spanish navy united, to be superior to the navy of this country; I should, indeed, be wanting in the discharge of my duty. The noble earl affirms, that those powers bear hostile dispositions towards us, and have given the fullest proofs of it by the underhand assistance they have afforded our rebellious subjects. I have strong reasons to believe the contrary; but supposing it to be true, would the noble earl, under such circumstances of peril and

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distress, as he represents the affairs of this country to be in, precipitate us into a war with those powers? I hope not. The truth is, we have, from time to time, pressed the court of France on the illicit trade carrying on in their ports with our rebellious subjects; and when it became necessary to be more explicit, made the strongest remonstrances; the consequence of which was, that immediate orders were issued, forbidding any American privateers to enter their ports with prizes. These orders have been strictly complied with hitherto. Two prizes were reclaimed and recovered under the ordinance. It is not improbable, that some very unjustifiable transactions may have taken place, under a kind of connivance; but though it were so, no friend to his country would wish to embroil us. But a time may come, when a full reparation may be obtained, for any injurious treatment we may have received from either France or Spain.

I cannot agree with the noble earl's Amendment on many accounts. What does it propose? Terms, in my opinion, the most extravagant and disgraceful; to lay down your arms, and submit to your rebellious subjects. Is this a language befitting the mouth of that great minister, who directed our victorious fleets and armies to every quarter of the globe? Would he recommend to us to disarm, and sue for peace to the Congress, or the rebel general? [Here he was desired to advert to the words of the motion, which were not for laying down our arms, or withdrawing our troops, but merely for a cessation of hostilities.] But take it in this way, my lords, how can you treat with those as subjects, who look upon themselves as a sovereign state, and claim independency? I readily accede to what the noble earl said, relative to his own sentiments of what appeared to him a just ground of conciliation; but will the people of America agree with his lordship on those fundamental grounds, the sovereignty of this country, and the Act of Navigation? I dare say, his lordship's most sanguine expectations do not go so high. It is a way of thinking very different from the majority of those who will this day vote with his lordship.

I sincerely approve of the proposed Address, in all its parts, and am as heartily against any measures of procrastination or delay, which the Amendment certainly would effect, if agreed to. It was the misfortune, in the beginning of this disagreeable contest, to adopt a mistaken lenity, to act timidly, to be too apprehensive that the nation would not readily concur, or be satisfied of the necessity of acting timely and vigorously. If my advice had been taken three years ago, we had not been in this situation now. I was for sending a proper force at first; but one opposed it with one sort of reason; another with another——plausible indeed, but futile and delusive. Those apprehensions were ill-founded; the mischiefs they occasioned are acknowledged, and will, I trust, henceforward be avoided. I have confident hopes, that the first accounts from America will be favourable; and that the most sure and certain means of ensuring a happy termination to the present rebellion, will be, by a perseverance in the measures recommended from the throne.

The Earl of *Abingdon*. Unhabituated as I am to public speaking, and the formalities of parliamentary debate, I should, in any other times but these, content myself with a silent sanction to this day's motion of the great and noble earl. But, my lords, our danger is much, and our sensibility very little. We have been misadvised, misled, and deceived; the nation has been made to destroy itself, and, like a vulture, to prey on its own vitals; perhaps as an intended punishment by those who brought it into this state, for past offences; but a day of enquiry must come. In the mean time, let us embrace the sage counsel of that great statesman, by whose counsels this country has been already raised from despair to glory. His doctrine is for fundamental and irrevocable laws, and not for acts of parliament, destructive of fundamental and irrevocable laws. Such acts are the laws of tyrants, and not the acts of a free and limited government. The legislature of this country cannot deprive America of life, liberty, and property; and yet all this, in subversion of our constitution, is attempted. But, my lords, these laws must be repealed, whether America be lost to this country or not. They are like Draco's laws, written in blood, and will make savages of our posterity, if not blotted out. The present motion is for peace; obtain it if you can. I fear we have already clinched the nail of our ruin; but any thing is better than the present nefarious system.

The Earl of *Shelburne*. It is with astonishment I behold the conduct of ministers, I mean, a perseverance in the same

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contemptuous treatment of this House, the having the presumption to face the great hereditary council of the nation, without a tittle of information, or a single scrap of paper, to induce you to concur with them in the blind destructive measures they now propose. It is true, the noble earl at the head of a high official department, has entertained us with some curious memorandums; but of what, my lords? What he is pleased to believe, and what he would persuade you to believe, is the present flourishing state of the British navy. I do not question the noble lord's veracity, but I much doubt the truth of the facts I have heard stated. I am sensible of his zeal and ability, in endeavouring to persuade your lordships, that the information he has laid before you is what I am convinced it is not. Are those little, unauthenticated details, proper parliamentary information, on which your lordships may deliberate and determine upon? Certainly not. Look back into your lordships' Journals, till very lately, and see if this was the kind of information this House was wont to be satisfied with. If you do, you will find that your predecessors were not contented with any thing short of the most satisfactory, circumstantial, and minute details. You will find, my lords, that the duke of Marlborough, in the height of his most splendid victories, was not above accompanying such details, as far as they respected himself, with the most explicit communications and explanations, of not only what was done, but generally gave a substantial sketch of his intended future operations. So it was with all his cotemporary officers, naval and military. Their opinions were already formed, and they did not fail to declare them in either House, as often as called upon. In point of the expenditure of the public money, the other House were still (it being more immediately within their province) more inquisitive and circumspect; and ministers, nor even papers, were not solely depended upon in either. What is the case now? Papers are withheld, on system, explanations are refused, and professional men remain silent. This, my lords, is our present station. We are called upon to concur with ministers, for no other reason but because they desire it; and write a panegyric on their own measures; and we are desired to believe them on every fresh occasion, because they misled and deceived us on every preceding one. The noble earl, with all the parade of office, has told us many things this night, with great confidence. I believe his lordship would not purposely mislead us; but how do we know but the noble earl may have been misled himself? He may have trusted to a secretary, or under secretary, who perhaps has had an interest in misleading him. The noble lord affected a delicacy peculiar to himself, in telling us what he did. He insinuated a degree of reluctance in communicating official information; but threw off all restraint, lest the public should be misled by the assertions of the noble lord who moved the Amendment. I shall not determine which of the two accounts come nearest the truth; but for my part, I shall never give a parliamentary credit to any information which wants the stamp of official authenticity. It is only on ordinary occasions that I would even trust to office-papers; on extraordinary occasions, I would order the inferior officers to the bar of this House, there to be examined and made responsible for whatever they vouched in their several stations. I remember a circumstance extremely applicable to the idea now thrown out. Prince George of Denmark, who presided at the board at which the noble earl is at the head, was called upon for some explanations. His royal highness gave them according to the information which had been communicated to him. Doubts still remained in the House, that the prince was deceived. The proper officers were called to the bar and interrogated. And what do your lordships think was the effect of the enquiry? They confessed their mistake, and apologized to the House, that the official information given to the prince, and which he imparted to the House, was taken from an anonymous pamphlet! I leave the noble earl to make the application, and your lordships to judge how far the two cases must be similar.

The noble lord, I think, with great justice, has passed the highest eulogiums on a certain great naval officer (admiral Keppel.) I believe there is not one of your lordships entertains a second opinion of the professional and personal merit of that great man. But in his lordship's zeal, I fear he has promised more for the admiral than he would wish to be responsible for. He says, that officer is ready and willing to stake his reputation, as a professional man, on the present state of the British navy, in the event of a rupture

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with France and Spain. I question it. Is that gallant officer thoroughly informed of the whole of the arrangement, so pompously described by the noble lord? Does he know and approve of the officers who are to serve under him and co-operate with him? Do the inferior arrangements meet with his approbation? In short, is every thing which creates confidence in an officer of judgment and experience, perfectly within his knowledge? I answer, these things cannot be; and, for this reason, if the public prints are to be depended upon, that gentleman has been for a considerable time out of the kingdom; he has been at Spa, for the recovery of his health. I know with what industry these reports have been circulated for some time past; and I know too, to borrow a phrase from a great military officer (general Burgoyne) that there is a physical impossibility that they can be true. I grant, if the noble earl is contented with the concession, that the officer alluded to is too gallant and brave, too full of military honour and personal spirit, to decline any service, when called upon by the interests of his country, in repelling the attacks of its natural and inveterate enemies. This was precisely the case with that other most able officer, lord Howe, who has performed services for this country scarcely paralleled in the British annals; and has surmounted obstacles scarcely credible, in his present operations in America. The landing and relanding of troops is known to be the service attended with the greatest perils, and most liable to miscarriage; yet this noble and gallant officer, in a series of embarkations and debarkations, with so numerous an army, has executed his task with a success hitherto unknown. These two officers, men of such transcendent desert, were passed by, neglected and insulted; they were denied their rank; but nothing could quench the noble ardour they retained for the glory and interests of their country. In this sense, that one of them has accepted of a command, that the other is ready whenever called upon, I am willing to believe; but that either one or both, were, or are willing to stake their credit on the issue, is what I can never be persuaded to assent to.

The noble earl speaks with great confidence of the expected success of our military operations, but upon what rational foundation I am yet to learn. The issue of Mr. Burgoyne's expedition is too melancholy to be made a subject of conversation; his army, by every appearance, is destroyed; but supposing the contrary, and that not finding it practicable to push forward, he has been so fortunate as to effect a retreat to Ticonderoga, or any of the other posts he left behind him; nay granting more than the modesty of administration will permit them even so much as to suggest, that by subsequent successes he has formed a junction with general Clinton, and has reached New-York; what end would this answer? but that at the expence of many millions, and two campaigns, he has reached a place by land, which he could without the least trouble or interruption have reached by sea, in almost as many weeks. I dare say there is not a professional man in this House, that neither of the noble lords (Townshend and Amherst) whom I have in my eye, and who have served with so much credit in America, will say, that he can effect any thing more than a mere junction this campaign; or that he will be able, though he should have penetrated to New-York, to preserve a single post behind him.

But as in the instances already mentioned, this whole war has been conducted upon little narrow principles, principles originating from factious prejudices and premeditated delusion, on purpose to procure a parliamentary sanction, to what was in itself impracticable. The general who commanded in Canada, (Carleton) was consulted upon the practicability of the military operations, by way of the lakes; he disapproved of it, as attended with singular difficulties, and promising, though they should prove successful, very few solid advantages—but this gentleman was still guilty of a greater offence against his employers; he reprobated the idea, and shrunk with horror from the proposition of employing savages. The event has proved his judgment as an officer, and does honour to his feelings as a man. I do not pretend to question the military talents of general Burgoyne, though I know very little of them, or the gentleman: but I feel with a mixture of pity and indignation, the true motives for his appointment. They were such, I fear, as will not bear the light. Administration pretend, that general Carleton being the senior officer, as soon as he set foot beyond the limits of his province, the superior command in America would have devolved on him. A poor subterfuge! Was there no other scene of action for Mr. Carleton? and was Mr. Burgoyne for that reason

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only appointed in his place? Could not general Carleton have directed his operations into the New England provinces, and general Howe to the southward? Was America too small to contain them? or was general Carleton superseded in his command, lest he should command general Howe at New-York, though administration previously knew he was not to be there? But, my lords, besides the other great difficulties our officers have had to contend with, our troops have, I am well informed, been commanded (strange as it may sound in your lordships' ears) at home; they have been directed in their operations, not in the field, but the cabinet. The orders that have been sent out have extended even to the minutiæ of the profession, and have furnished subjects of ridicule to the very subalterns of the army. There is a man it seems in this country [supposed to mean lord G. Germain] who has so great a confidence in his military talents, as to think he can command an army, and ensure victory in his closet, at 3,000 miles distance from the scene of action!

The noble earl's modesty will not permit him to directly affirm that France has not connived at least, at the illicit intercourse carried on between her subjects and our American colonies; but he tells you, that even that connivance is at an end. Is his lordship no better informed? If he is not, I will tell him the true state of the case: the cargoes and prizes are sold, as heretofore, but at an under value: there are American agents or brokers in all the French ports, where any commerce is carried on with our colonies, who treat with the prize-masters on their own terms; they tell the venders, you cannot dispose of your property here; there is an ordinance against it: I will give you so much. The captor is thus compelled to sell at the broker's price; and the ordinance, instead of preventing the traffic, answers only one purpose, that of enriching the French king's subjects. His lordship then recapitulated his general reasons, relative to the latent and ultimate designs of France, the impracticability of success, and expressed his hearty concurrence in the Amendment.

The Earl of *Suffolk*. The noble earl who moved the amendment has proposed, that we should withdraw our troops, and lay down our arms. [Contradicted.] It would answer the same end. His lordship would recommend a cessation of hostilities, and leave us at the mercy of our rebellious subjects; but supposing that no immediate danger were to ensue, what does the amendment import? That a cessation of hostilities should take place. I suppose his lordship means with subjects, because he explained himself so in debate. But I presume, when his lordship recollects what passed at Staten Island, between the persons deputed on the part of the Congress, he will abandon a project totally unattended with the most distant prospect of success; for there the great basis for entering into any negociation was peremptorily insisted on by the deputies to be an acknowledgment on our part of the independency of the colonies: in short, to recognize and treat with them as a sovereign, independent state, unitedly represented in the continental Congress. This one fact, therefore, in my opinion, overthrows every reason urged by his lordship in behalf of his motion, as leading to treaty or negociation.

The noble earl has passed the highest eulogiums on the Americans and their cause, and, in the career of his zeal, on the officers serving in the rebel army. He has been equally profuse in his censure and contempt of the foreign troops serving in ours. He highly condemns the measures of taking foreigners into our pay, but seems to applaud a similar conduct in the rebels. My lords, for my part, I see no difference, only in the superior prowess and military skill of one over the other. The Germans are acknowledged to be as brave soldiers as any in Europe; few, I think, will contend that the French are so, or that they are at all equal to those of Germany. But, says his lordship, they have procured French officers to discipline and command their troops. What then, shall prudence and necessity justify in one instance, and shall we be denied the exercise of the same prudence, when called upon by the vital interests of our country? Shall we not avail ourselves of taking foreign troops into our pay, when our rebel subjects employ foreigners? or shall such a procedure on the part of administration justly merit all the harsh, passionate expressions the noble lord has bestowed on it; and shall it be imputed as the effect of wisdom and prudence in our enemies? Why should not we avail ourselves of the discipline of our allies, as well as our rebel subjects that of the French officers?

The noble earl, with all that force of oratory for which he is so conspicuous,

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has charged administration as if guilty of the most heinous crime, in employing Indians in general Burgoyne's army; for my part, whether foreigners or Indians, which the noble lord has described by the appellation of savages, I shall ever think it justifiable to exert every means in our power to repel the attempts of our rebellious subjects. The Congress endeavoured to bring the Indians over to their side; and if we had not employed them, they would most certainly have acted against us; and I do freely confess, I think it was both a wise and necessary measure, as I am clearly of opinion, that we are fully justified in using every means which God and Nature has put into our hands. I think it was a very wise and necessary step, on many accounts; nor can I ever be persuaded, whoever was the adviser, but his conduct will stand the full test of public enquiry.

The noble lord who spoke last, supposes that administration had conceived some disgust at the conduct of general Carleton. If he has been informed so, I assure his lordship, he has been deceived. The pretended cause assigned by the noble lord for this supposed disgust, is equally ill-founded. There never existed a colour for it. He says, Mr. Carleton refused to employ the Indians in our service, or at least disapproved of the measure. This information is no less erroneous. Mr. Carleton always obeyed the instructions he received from hence. I have never understood, that he was at all averse to a rigid performance of his duty; nor could I learn he ever disapproved, or complied with reluctance in any one particular of his duty. So far from any such thing, his services were highly esteemed; and he was ever looked upon by the servants of the crown, as an able and meritorious officer. The reasons therefore for appointing Mr. Burgoyne neither originated in that gentleman's dissatisfaction or personal disgust at ill-treatment, nor dislike to the service, or the measures and mode of conducting the war, nor to little, narrow prejudices of any kind.

The noble lord supposes the most extraordinary thing imaginable. Nay he asserts, that the instructions sent from hence to our naval and military commanders, refer to the most minute and trifling operations of the service; and so much so as to be sufficient to furnish subjects of ridicule to the very subalterns of the army. I am sure, I am totally unacquainted with any such instructions: they have, as far as they came within my knowledge, been drawn up in the usual manner; general enough, to give the commanders in chief full latitude to act according to their own judgment, and to profit of times, events, and circumstances. If any other have been given, which I think extremely unlikely, they have not been with my participation. I may venture to say with confidence, that none such have been sent. The noble earl, who moved the amendment, objected strongly against the employing of foreigners, and recommended the raising of home-levies. I still continue of the same opinion, that it is much better to employ foreigners. We have them, in the first place, disciplined to our hand. They are veterans, and have been used to tried service. But even if that were not the case, the distressing our commerce and manufactures, the draining this country of its most useful hands, and thinning its inhabitants, are so many strong reasons with me for availing ourselves of foreign aid: nor do I think, the internal state of this country, in respect of its manufactures, population, &c. will ever admit of any extensive military operations being carried on without procuring the assistance of foreigners. For these reasons, my lords, I am perfectly satisfied, that a perseverance in the measures recommended from the throne, will be the most safe, speedy, and effectual means of putting an end to the present unnatural and unprovoked rebellion.

Lord *Osborne*. Whatever may be the issue of the present American contest; whatever mistakes may have been committed in the beginning or progress of this business, I am for agreeing with the proposed Address; and of course for dissenting from the Amendment. I am as anxious as the noble earl, who moved it, for a fair and amicable termination to this unhappy rebellion; but I am firmly persuaded that the amendment, if agreed to, would have a direct contrary effect, and would only appear to the colonies as proceeding from our inability to reduce them to a state of constitutional obedience. The noble lord's own words confirm me in this opinion. In a former debate, his motion of repeal towards the conclusion of the last session, he said, if France dared to interfere, we should attack the provincials under the French cannon. The only appearance of solid ground taken by his lordship this day, is, that if we do not at this crisis hold out terms to the colonies,

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when they are out of humour with France, France and America will unite, and the latter will be lost for ever to this country. Both these arguments cannot be right. We should attack them under the French cannon, or not. For my part, if an option were to be taken, I would chuse the former, which at the worst can only be the case. I think there is no prospect of any such event; but if any thing could produce it, I believe the noble lord's amendment would be the most likely. Preparation and vigour, such as that recommended in the Speech, will be the surest means to prevent the interference of France.

The Duke of *Grafton*. Nothing, my lords, can be more unparliamentary and indecent than the frequent personal allusions imputing an opposition to the measure now proposed to factious motives, and presuming that every man who differs from administration is an enemy to his country. This, my lords, is, at least in some cases, only to answer the temporary purposes of debate: the very gallant naval officer who has been so often mentioned this night, is a striking instance of it. I presume it is no secret to either of the noble lords in office, that that gentleman highly disapproves of the present unnatural civil war. It is well known, that he has frequently given a public testimony of his disapprobation, and has supported his opinion by his vote, as a senator; yet, according to the insinuations of the noble earl (Suffolk) every person who has the misfortune to differ from his lordship is an enemy to his country. How the noble earl, at the head of the naval department, and the other noble earl in office, will reconcile their opinions with their conduct, I do not pretend to say; but it is somewhat remarkable, that this fleet, which has been so highly extolled by one of them, and on which, it is acknowledged by both of them, the salvation of this country so entirely depends, should be trusted to a person who, according to the current ministerial language of this House, must be deemed an enemy of his country.

It is, my lords, a matter well worthy your consideration, before you agree with the Address now proposed, whether you have any or sufficient information, to direct you. I am certain that we have had none; which induces me to suspect, if there be any, it is not fit to be revealed. It is with astonishment, therefore, I hear a secretary of state (lord Suffolk) rise in his official character to speak; and not acquaint your lordships with any one circumstance relative to the grounds of his assent; or a single reason to induce you to concur in the measures which he has so zealously supported. This silence of ministers; this proceeding in the dark; this implicit faith, is what has brought us into our present calamitous situation. Calling for the advice or concurrence of this House, is to the last degree absurd. How is it possible your lordships can either advise or deliberate, while you remain totally ignorant of the true state of affairs? Confidence should be preceded by something to create it. You are, my lords, called upon to concur; that is the purpose you are solely called upon. Your sanction is desired, because in point of form it still remains necessary; but as to calling for papers, or setting enquiries on foot, the very idea of it is extinct. The liberty of calling for information is still permitted; how long it may remain so, is uncertain; but while it is permitted, I claim its exercise. Sitting here, in the year 1777, therefore, as a peer of parliament, I say we have been imposed upon, deceived, and misled; that to retrieve past miscarriages, and prevent them in future, parliament should no longer trust to ministers; but deliberate and determine on their own knowledge and judgment. This cannot happen, without we are made acquainted with every material circumstance relative to the true state of affairs; and I repeat again, that from the commencement of the present measures, down now to the latter end of the year 1777, we have given an implicit blind approbation to whatever has been proposed to us by ministers.

There is not one of your lordships has a more exalted opinion of the prince on the throne than I have; but in considering the Speech, it is constitutional and parliamentary to consider it as the speech of the minister. In that light, I shall be bold to say, it is an insult on the understanding of this House; and that the conduct of those who now defend it is an aggravation of their first offence in framing it. The speech says nothing, but simply to concur in whatever ministers shall think proper to do. It calls for the most unlimited powers, for the most extensive confidence, without telling any one circumstance, to satisfy you, that those already granted have been wisely used, or that in future they will be more successfully employed; but what renders this contemptuous treat-

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ment still more unpardonable, and indeed ridiculous, is, that a secretary of state, who, from his official situation, must be near the person of his sovereign, and of course have an opportunity of instilling sentiments similar to his own, into the royal breast, should justify and avow it here in the face of your lordships; the fair substantial import of the noble lord's argument having been, "the speech, it is true, contains no information, nor shall I give you any; but nevertheless, your lordships must believe that I have."

I have, my lords, considered the measures recommended in the Speech, with all possible attention, and see them in the same light with all the preceding, and think from my heart, that they must terminate in the ruin of this country. I approve of the Amendment, as the first step towards a full enquiry, leading to information; for without that, I am convinced we shall continue to run headlong to our own ruin. When information shall be once obtained, then will be the time to consider of the most wise and proper measures. If ever that day should arrive, I pledge myself that I will endeavour to discover the author or authors of the present measures.

Lord *Camden*. My lords, I rise to support the motion made by the noble earl. When the measures meant to be sanctioned by the Address of this day were first proposed to your lordships, it was said with confidence by some of the very persons, who still have the modesty to expect that you will continue it, that a single dragoon would strike such a terror into the hearts of the people of America, that they would submit to your measures. That experiment not having been thought prudent, you passed an Act for shutting up the port of Boston, by which you not only inflicted a public punishment on the rioters (a mere rabble I will maintain) who destroyed the tea, but you in fact confiscated private property, and involved the innocent and the guilty in one common punishment. You cut off the inhabitants from all commercial intercourse whatever, and deprived them of every means of living; but what was still more extraordinarily unjust, you punished the whole province of Massachuset's Bay for a riot committed by a Boston mob. You vacated their charter; and, as if you meant at the very instep of the business to force them into measures of resistance, you declared war against all America, by subjecting every man in it to be dragged to some other colony, or, optionally, to Great Britain, to be tried by a prejudiced or packed jury, for offences committed in his own country. Those measures had the desired effect; for I never can be brought to believe but they were intended to produce what followed. So far the ends were correspondent to the means. The people of America shewed great dissatisfaction, but that did not fully answer the intentions of government. It was not dissatisfaction, but rebellion, that was sought; dissatisfaction might furnish a pretence for adding to the intolerable oppressions that those people had for a series of years groaned under; but nothing short of something in the shape of rebellion, or nearly approaching to it, could create a decent apology for slaughter, conquest and unconditional submission. America, notwithstanding all those ingenious ministerial devices, continued loyal; nothing of resistance yet appeared, either in words or actions, unless a few angry resolves at the meetings of one or two paltry townships. The Congress met, and deprecated our resentments, and supplicated the throne and parliament in terms of obedience and affection. Not a word of actual resistance or independency all this time. The scene began now to open. The people of Boston were not starved; their brethren throughout America committed a crime little short of treason; they made contributions to feed and clothe them; they endeavoured to prevent them (no matter whether the persons thus relieved were guilty or innocent) from perishing with cold and hunger. A Bill was therefore passed for depriving them of further relief; the merciful and humane Fishery Bill. This was accompanied, or rather preceded, with the famous address, declaring Massachuset's Bay in rebellion!

Every thing was now prepared; instead of a single dragoon, 10 or 12,000 men were said to be sufficient to strike terror into every corner of America. The address was a sanction for the cutting of throats; the poor fishermen of Nantucket, a peaceable set of inoffending quakers, were thought fit objects of parliamentary resentment; in short, as the northern colonies were not to have bread, neither were they to have fish; the dreadful sentence was passed by your lordships, in concurrence with the other two branches of the legislature, that the four New-England provinces, in order to fill with terror the minds of the rest of their brethren, were

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proscribed and cut off, not only from this country, but from the rest of America, and the whole world beside. But all this did not do; the New-Englanders were resolved not to verify the address; they were determined not to be rebels; but only to prepare, should the worst happen, to be in a situation to defend themselves. Something more was still wanting, and that was obtained. Our troops were ordered to act effectively; and self-defence was stiled actual and declared rebellion. Not a word yet of independency. I shall pass over the particulars from the commencement of hostilities till the next session. Many parts of America were still friendly to us; most of them continued loyal. Now to devise a measure which would unite them as one man against this country, was the grand desideratum. A measure was luckily discovered, and that was the ever memorable and celebrated Prohibitory Act. Ministers still entertained some doubts; they were fearful that parliament might refuse to go the whole length they wished them. What did they do? They proclaimed it loudly every where, that commissioners were to be appointed to negotiate; a powerful fleet, and 70,000 men were to accompany them; and the colonies were to be left to the option of returning to their former state of obedience, or of being compelled to it. What was the consequence of all those flattering promises? The Prohibitory Act was passed; but not a single power vested in the commissioners but that of pardoning. Lord Howe and his brother were the persons named in the commission. The speech answered its end. The noble lord was kept in Great-Britain, and could not proceed, for want of instructions, till five months after the Act was passed, and almost eight after the speech. But when his lordship received his instructions, what was the authority vested in him and his brother, the other commissioner? Just so much efficient real power as is vested in any other commander in chief, that of receiving submissions, and granting pardons. The King could not do it, though he were inclined; his hands were tied up by the Act. Without a power from parliament, or without the concurrence of parliament, it is most certain the King could not treat with the Provincials. This was known. The point in dispute was the nature and extent of parliamentary supremacy. The pretence, therefore, for the clause introduced into the Act for appointing commissioners, was to authorise the crown to treat; but, in fact, when the whole scene came to be fully opened, it plainly appeared that the King, by the Act, was exactly, nay, literally, empowered to do what he could have done without it; that is, to receive submissions, and grant pardons; but as to the main points, relative to the claims of parliament over America, they were left to rest precisely where they stood before the Speech was delivered or the Act passed. Accommodation had been hitherto the ministerial language, but now it was made to give way to unconditional submission. It was, therefore, my lords, this Prohibitory Act that induced the Congress to declare America independent. I trust not to what this old man said, or that old man said, or that old man wrote; I pay no attention to the silly predictions, or partial speculations of any man. I rely upon facts, and facts alone. [Alluding to lord Mansfield's quotations from Montcalm's Letters, the writings of sir Joshua Gee, and others.] I contend, that America never entertained any intention of rendering themselves independent of this country, till they were forced into it by a series of the most arbitrary and cruel measures; till the Prohibitory Act, and the sham commission sent out with it, told them, in so many words, You must suffer all the calamities of war and conquest, or submit to unconditional submission.

The noble earl in office (lord Suffolk) says that America aimed at independence from the beginning; and has insisted that their designs were pointed out by those on the other side of the House, so early as 1774; and as a further proof that they were, and are of that opinion, he speaks of the interview between lord Howe and the Congress delegates, on Staten island. I have given my reasons already why I think his lordship is mistaken as to his general assertion; as to the fact of the delegates refusing to treat with the commissioners, unless we acknowledged American independency, they acted just as I would have done; for, knowing the nature of his lordship's commission, sooner than treat upon such disgraceful terms, I should, as an American, meet them, and refuse to negociate, unless Great Britain consented to acknowledge my country independent. The delegates knew the powers vested in the commissioners to be such as I have described them, those of unconditional submission, and treated them, very properly, with the contempt they deserved.

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My lords, this is the third campaign recommended from the throne, all promising success. For my part, I no more trust to the present ministerial assurances, than to any of the former. This war has already cost this nation at least 15 millions, and if persisted in, is likely to cost twice that sum. The only probable means of preventing the perils with which we are surrounded, is by the present amendment, or something dictated in the same spirit. Whether America would receive such a proposition, in the manner every Englishman would wish, I do not pretend to say; but I confess, if I was an American, I should be unwilling to trust to any terms from those who had all along betrayed so pernicious and malignant a spirit. If I did, however, I would take care not to leave it in their power again to deceive me. And before I sit down, my lords, as a faithful memorial of my sentiments, I will acknowledge very fairly, if ministry and the nation are determined to prosecute the present unnatural war to the issue of this alternative, Shall America be subdued, or shall she render herself independent? I should gladly embrace the latter; I should wish to see America independent, rather than enslaved; because I am already fully convinced of the temper, views, and ultimate objects of this war: which, if it should prove successful, on the system it is now maintained, would most certainly effect at length here, what it professes already to effect in America. His lordship treated several other matters in detail, on which he had delivered former opinions.

Viscount *Weymouth*. My lords, the noble earl who moved the amendment, supports it entirely on the present disposition of the French court. His lordship tells you, that the Americans are displeased with the conduct of France, and therefore now is the time to treat with them. This, my lords, is a very different language from what his lordship held the last day I had the honour to hear him on the present subject. He then said, that America and France were upon the best terms; he now tells you, that France is backward, and America out of temper. I have every reason for believing the noble lord; and that, among several others, is one very strong motive to prevent me from agreeing to the proposed amendment. The noble duke in the blue ribbon has imputed certain expressions to me, which I by no means recollect; but allowing them to be exactly as he has stated them, I do not think it quite parliamentary to refer to any thing which dropped in a former debate. I shall not, however, deny every advantage which his grace wishes to derive from what he has presumed I said. I think administration now, as well as then, though they entirely coincided with me, are perfectly consistent in resolving to give a negative to the amendment. What I said only imported this, that no proposition for specific terms should be admitted till the event of the then ensuing campaign was first known. Is that condition yet determined one way or other? Surely not: so that admitting the argument to have all the weight the noble duke would wish to give it, I see no ground for charging me with inconsistency, in retaining my former opinion till the event shall happen, which may, or may not, be supposed to operate on it at some future day. There is another strong objection, my lords, against the reasons assigned by the noble earl in support of his amendment. He says, France will take a public and decided part against us, if we do not embrace the present opportunity which presents itself. France has done a great deal, but America desires more. She is displeased with the former, because France refuses to do all she asks: now to my apprehension, this should be a further motive for us to act with redoubled vigour. It is the very crisis in which we should endeavour to press America. She is deserted, according to the language of the noble earl: this appears to me the time, therefore, most likely to compel her to return to her former state of constitutional obedience. Take even the argument on the other side, that the last campaign proved unsuccessful, the noble earl, or his friends, will hardly, I presume, contend, that if that should happen to be the case, the present proposed amendment would be seasonable. If America should prove victorious, would she negociate? Certainly not. For these reasons, my lords, I am totally for disagreeing with the noble earl's motion.

The Bishop of *Peterborough*. My lords, I listened very attentively to what fell from a noble earl (Suffolk) high in office, that I might learn the objections which could be made to the proposed amendment; they were two. The noble earl was convinced, that as independence had been all along, and still was, the object of America, the cessation of arms would be at-

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tended with no good effect: and secondly, that in the present uncertainty of what was the real state of our affairs (notwithstanding he had good ground to believe it favourable) the motion was ill-timed.—A noble and learned lord (Camden) has spoken so ably and so fully to the first objection, that I shall not trouble your lordships with my observations upon it. With regard to the second, I beg leave to observe, that one side or other of the following proposition must be true. Either our arms have not had hitherto the success there was reason to expect, or they have; if they have not, then will it ill become your lordships' reputation for prudence to persist in the same measures, unless there are other grounds for confidence in them than such as have proved hitherto vain and delusive. If, on the other hand, our arms have been successful, and the slaughter is but half as great as the greediness of credulity can swallow, then surely there is that sufficient and decisive proof of superiority which the noble earl requires. The point of national honour is satisfied, and Great Britain may, without committing her dignity, propose such terms of accommodation, as will become Englishmen to offer, and the sons of Englishmen to receive.—Things could never have come to the dangerous extremity they are, had not both parties been somewhat in the wrong. The misfortune has been, that neither side hitherto has had magnanimity enough to acknowledge what both have long known to be true. I trust, however, we might still be friends, would but either country shew a hearty desire of reconciliation; and I shall cheerfully give my vote for the amendment, because I think that the only way for Great Britain, to extricate herself from her present difficulty with credit is, by being the first to shew she has got the better of her passion and resentment.

The Duke of *Richmond*. My lords, I have never offered my sentiments to your lordships on a subject of greater difficulty than that of the present debate; for I confess, I see little prospect of a happy issue from the dangerous situation in which we are involved. My apprehensions do not go merely to the dangers arising from the present war (though they are, God knows, great enough) but to our existence as a free people. Our government has, perhaps, never been entirely settled as it ought to be; but ever since the Revolution, when it received the greatest degree of perfection it has ever had, it has been by degrees departing from those constitutional rights, which belong not only to Englishmen, but to men, and to the principles of which all governments must from time to time revert, if they mean to continue free. In proportion as they depart from them, they become usurpations. In a book written on the Laws of England, by a learned judge now on the bench, it has been observed, that since the period I have mentioned, although the stern command of prerogative has given way, it has only yielded to the milder voice of influence, which acts with such persuasive and prevailing energy, as to make ample amends for the loss of external prerogative. This influence is, I speak literally, daily increasing. Its effects become daily more apparent; and they are such as totally annihilate every check which the constitution has framed to prevent the arbitrary will of the sovereign from becoming the sole power of the state: I do not mean to say, that the free agency of parliament has been formally abrogated; but if, by the means of corrupt influence, it is indirectly destroyed or attempted, the attack is the more dangerous, from being in some degree concealed; and is the more sure of success, as it operates by slow and almost imperceptible degrees, till it gets so far a head as to secure its continuance, and even enlargement by its own means.

It has been justly observed by the noble earl who moved the Amendment, that these are not times for flattery, but such as call upon every man to speak out; and I am sorry to say, that the extension of this influence seems to have been the only system which wicked ministers have advised his Majesty to pursue during the whole of his reign. It has been studiously followed in every department, and in every corner of the empire. The present contest in America originated from this source. The establishment of taxes there, which has been so fatally and obstinately pursued, never afforded any rational hope of producing such a revenue as could really ease the burthens of this country; but the increase of influence it gave by the disposal of employments in the collection, was sufficient to make it be adhered to with that stubbornness, which characterises every part of the present system.

I cannot agree with a noble earl, who thinks America of no use to us. The safety of this island can never be trusted

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to a land force alone. We can never keep up such an army, as to want no fleet. The navy is the national defence of Great-Britain, and to be a secure defence, must be superior to whatever may be brought against it. To support that navy, we must have commerce; and possessions in distant parts of the globe, are the soul of that commerce. America of itself answered every purpose we could wish as to trade; and besides, produces those naval stores, without which we can have no fleet. Possibly those stores may be procured from other parts, and other branches of trade may be opened with other nations; but resources that depend on foreigners, may be cut off at the instant they are most wanted. Possessing America, we were at all times certain of supplies for our navy; and though we should be at war with all Europe, our trade might still be carried on. Such are the advantages America was of to England; but I think, that great as these advantages are, the happiness of Englishmen settled there, and our acting according to the rules of justice, are objects of still greater importance.

From the first commencement of our disputes, I have uniformly been of opinion, that if our government was founded in justice and equality; if we treated Englishmen in America like Englishmen in Great Britain, we should preserve that happy union, founded in affection, which alone can be either valuable or permanent, at the distance we lie at from each other; but that if we attempted a superiority, which the inhabitants of one part of the globe can have no right to assume over those of another part; if for certain advantages, which local circumstances might enable us to exact, we did not make an equitable compensation in other respects, I thought we should abandon the paths of justice, which are the foundation of all government, and become unworthy of the empire for which we contend.

The only honest end of all government, is the happiness of the whole community. It was never instituted for the advantage of one part of the nation, to the prejudice of another part, but for the mutual and equal benefit of all. The test of its being kept to this object, is the effect it produces. If the general mass of the people are happy and content, the government is good and well administered; but if any considerable part of the nation suffers and complains, that government is oppressive, and ought not to be endured. Had we observed these principles; had we considered Americans as possessing the same rights we claim; had we allowed them to be taxed only by their representatives, as we claim a right to be taxed only by ours; had we considered the protection we afforded them, as in fact it was, amply repaid by our monopoly of their trade, we might have preserved that young, but mighty empire, for many, many years: even for a longer time than the comparative numbers of the people, or the state of the respective countries, could entitle us to expect; for whole provinces do not readily alter a government under which they live happily; and habits of long standing are not easily shaken off.

But the proof of our government having been bad, arises, as I said, from the effects it has produced. Long before the natural time when a separation must have taken place, it has been forced by oppression. The abettors of that oppression, sensible that so great an effect would speak for itself, and condemn their conduct, endeavoured to throw the blame on a few factious leaders in America, who, by daringly assuming power, have, as they say, kept a whole continent in subjection to their lawless will, contrary to the inclination and interest of the general mass of the people. Incredible as this story was, it was listened to; and the assurances which ministers gave, that the moment protection was afforded in America, to the numerous well-wishers to British government, they would shew themselves, and crush the prevailing faction, were believed. For three years we have been deluded with these imaginations. In the first year, upwards of ten thousand regular troops, in the single town of Boston, sufficient, one would think, to protect the people against a faction, served only to irritate. But this first experiment, far from opening our eyes, failed, as we are told, only because the force was not sufficient; and therefore, for the two last years, what with the addition of German mercenaries and savages, we have had an army little short of sixty thousand men, and a fleet of a hundred ships of war, in America. But still, even this force has been too weak to protect the people against a faction.

Thirteen whole provinces have thrown off their dependency on this country; and all the efforts of our arms, exerted to the utmost, supplied with most extravagant loans of money, unincumbered by any foreign war, have for two years proved in-

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effectual to compel any one of them to return to that government, to which ministers tell us they are so much attached. It is curious to look back to the operations of these three campaigns. In the first, we were beat at Lexington, very dearly earned a post at Bunker's-hill, could but barely keep possession of Boston, and nearly lost Quebec. In the second, we were obliged to abandon Boston, and got only New-York, and a small district, in its stead. The moment we attempted to extend our cantonments into the Jerseys, we were driven back with loss, and the attempt from Canada on Ticonderoga proved fruitless. In the third year, after another attempt, equally without success, in the Jerseys, sir William Howe, unable to conduct our great army from New-York to Philadelphia, a distance short of an hundred miles, is obliged to seek another avenue to it. That by the river Delaware, on which it stands, is also found impracticable, and our forces are obliged to put again to sea, at a great risk, at a certain loss from bad climate, and to go round by the Capes of Virginia and Chesapeake bay. However, we are told at last, that it is guessed we have got possession of Philadelphia. That is a second town for the third year of the war. How these two towns can be kept, what communication can be maintained between them, how our armies can subsist, what advantages we are to derive from these possessions, ministers leave us totally in the dark about.

The attempt renewed from Canada, seems, from the accounts we have seen, to foretell greater disasters. Mr. Burgoyne himself tells you, that although he has got fifty team of oxen in the country, he can merely supply his army from day to day; and had on the 15th of August, after three weeks wholly employed in procuring provisions, only got four days in advance. His attempt to surprise a magazine at Bennington, ends in the surprise of the troops he sent there, and in the total loss of the detachment. The corps he sends to support this detachment is also obliged to retreat, with the loss of two pieces of cannon. Mr. St. Leger's attempt on Fort Stanwix proves equally vain, notwithstanding the massacre of 400 English Americans by the savages. Mr. Burgoyne remains near Saratoga for five weeks; and on the 19th of September, after an action which costs him 500 men, and is disputed from noon till dark by the cowardly Americans under Mr. Arnold, they retreat only half a league to their camp. Various are the reports of what has happened since. That he should have been totally cut off, is not improbable, from his own account; for the best troops cannot subsist without provisions. But if he has succeeded, and got to New York, what has he effected? He has marched from Canada, through the province of New York, with the loss of several thousand men, and with infinite expence, labour, and fatigue. But he cannot keep possession of the country he has gone through, and he might have arrived at New York two years ago, by sea, from England, without any loss at all.

I must here mention a subject that has surprised me. Mr. Burgoyne finds leisure to write an elaborate letter, but cannot find time to send that list of the unfortunate who have fallen in the different actions, which would relieve the anxiety of the parent, and the friends of the survivors. I will cast no blame on any man without hearing him; but it behoves ministers to enquire, why this satisfaction, which individuals have a right to expect, was not complied with? The events I have mentioned, are the principal operations of the three campaigns.

I do not mean to throw any blame on the conduct of the officers who have commanded. They may have acted with capacity, or otherwise. No man can form any judgment from the little, or rather no information, parliament has had. But supposing they have done their duty, it must now appear clearly to every one, what has been long foretold here, that from the nature of the country, it is not possible for Great Britain to compel America to submission. We have had the experience of three years trial; the two last, with the utmost exertion of our force. How many more is it expected we are to attempt? The King told us in his speech last year, that notwithstanding the successes (which were then boasted of) and the prospect of their bringing the war to a speedy conclusion, we must prepare for another campaign. That other campaign has been tried, and we are now in a worse condition than we were before it began. Our army is greatly diminished by the sword and by sickness. The ransacking of Germany, and our gaols, cannot even recruit the numbers that are lost. Our troops relax in discipline, while theirs acquire military knowledge and service. Our situation becomes precarious, while

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their government acquires consistency. We have no successes to boast of this year. What prospect then have we of greater in future? Before a trial had been made, there might be some shadow for expectation: but now that it has thrice failed, I would fain know what can induce us to risk a fourth experiment, with diminished means of success?

But, my lords, I wish you to turn your eyes to another part of this business. I mean the dreadful inhumanity with which this war is carried on; shocking beyond description to every feeling of a Christian, or of a man! When we have heard of the cruelties of other civil wars, we used to rejoice not to have the age, or the country we lived in, the scene of such misery; but to see England, formerly famous for humanity, coolly suffering the worst of barbarities to be exercised on her fellow-subjects, and appearing untouched by the woes she causes, because they are at a distance, and she does not experience any of them herself, must be truly mortifying to any man who is in the smallest degree possessed of national pride. If ever any nation shall deserve to draw down on her the Divine vengeance for her sins, it will be this, if she suffers such horrid war to continue. To me, who think we have been originally in the wrong, it appears doubly unpardonable: but even supposing we were right, it is certainly we who produce the war; and I do not think any consideration of dominion or empire sufficient to warrant the sacrifices we make to it. The best rights may be bought too dear, nor are all means justifiable in attaining them. To arm negro slaves against their masters, to arm savages, who we know will put their prisoners to death in the most cruel tortures, and literally eat them, is not, in my opinion, a fair war against fellow subjects. When we are unfortunately obliged to war with other nations, mutual esteem soon takes place between the troops, and reciprocal humanity prevails, which greatly alleviates the too many miseries of all wars; but in the present contest, every mean artifice has been used to encourage the soldiery to act with asperity, or alacrity, as it is now the fashion to call it.

Instead of taking prudent measures to restrain the military within the closest bounds of discipline, instead of making them sensible, that as they were to act against their countrymen, every possible means of saving their lives, and sparing their property, should be used, and every degree of compassion shewn to men who only erred from mistaken notions, and were still to be considered as subjects of the same King, they have been encouraged by authority, to look upon their opponents as cowards, traitors, rebels, and every thing that is vile; and their property has been, by law, declared lawful plunder. The natural effects have followed. A military thus let loose, or rather thus set on, have given vent to that barbarity which degrades human nature, and a total want of discipline and good order is said to prevail.

The noble lord who has moved the Address, and who has served in America, has given a very different account. I shall always desire to have authentic information. I do not look on an expression dropped in a speech to be such. Will the noble lord submit to a regular examination, and answer such questions as I can put to him on this matter? Or will ministry allow me to call to the bar those who upon their oath must there give official information? The accounts I have heard are, that want of order universally prevails in the armies in America; that rapine and desolation mark their progress. I am not surprised that Indians and foreigners, who can have no other business in our disputes, but the money they are hired for, should make plunder their only object; nor is it to be wondered at, that men who sell their own lives, and their arms, to take away that of others, in a quarrel they cannot understand, should practise that cruelty and barbarity, which men who have laid aside all principle are liable to: but that Englishmen should also be made engines of such oppression, is of the most dangerous consequences.

My lords, I dread the return of that army to these kingdoms. Formerly the rights of the subject were protected by the laws, and respected by the army; property was secure; and if the life of an Englishman was taken away, the whole country called for vengeance; foul murder was the name it used to bear, and delinquents were certain of meeting with just and ignominious punishment. But now our soldiery have learnt a different lesson; instead of merely supporting the civil authority, and being strictly restrained from every act of violence beyond repelling force by force, they have been suffered to ransack houses, to maim women, to commit every kind of outrage. I saw an account of a soldier

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having cut off a woman's fingers to get at her rings; and this was mentioned only as one among the numberless instances of cruelty. When an army like this returns, it may totally subvert the remains of freedom. If disbanded, they will become a lawless banditti; if kept together, a most dangerous weapon in the hands of ministers, who have shewn so little regard to the rights of freemen. This army is ready practised in spilling the blood of Englishmen. It is only calling obnoxious men rebels, and your army is ready to treat them as they have done the Americans, or perhaps without that ceremony.

My lords, I would not be thought to speak ill of a profession I belong to, unless it deserves it. I feel in myself that *esprit de corps*, which makes me jealous of its honour; but I belong by much stronger ties to the nation, than to the army; and I hope the *esprit de corps* of an Englishman is still more prevalent in me. While the army was filled with men of property, while their sentiments were, that the first duty of a soldier was to his country, such an army was no way dangerous; but when the notion, that a soldier must have no choice, must not reason, must implicitly obey, was carried from the camp to matters of state, and is extended so far, as that officers are looked upon as obliged to fight against their countrymen, even though they think them resisting in a right cause; I say, my lords, I think such an army deserves no respect, and becomes that mere, venal engine of power, which has subverted so many free constitutions. I shall ever revere the noble earl in this House, and some other officers, who rather chose to give up their profession, than serve upon such terms, and contrary to the dictates of their own feelings; and I shall ever look with distrust on those, who advised his Majesty to suffer such conscientious men to retire from the service, and thereby persuaded the King to discountenance those sentiments, which alone can make an army not dangerous to the state. My lords, it is from knowing something of soldiers, that I know the necessity of discipline; and I speak a true military language, and am a real friend to the army, when I recommend enforcing it, by the only effectual means it can be enforced, that is, by encouraging in the officers a respect for the law, and for the liberties of the people. But I am told, that other notions prevail in our American armies: that their marches are traced by the desolation of those we still call Englishmen and subjects. This, my lords, among many others, seems a fit subject for enquiry.

Can we too soon put a stop to such a scene of carnage? My lords, I know that what I am going to say is not fashionable language, but a time will come, when every one of us must account to God for his actions, and how can we justify causing so many innocent lives to be lost? lives of our fellow-subjects which we are bound to protect. I scarcely dare call on the right reverend bench of bishops even for a Christian purpose, to assist in stopping the effusion of Christian Protestant blood. The very calling on bishops creates a laugh, and they join in it themselves. But it ill becomes them. They should consider, that they sit here for their temporal concerns only, as a secondary object; their first duty is, by example, mildness, and persuasion, to soften our deliberations; and particularly in cases which so immediately affect the object of all religion, as the morality of our actions, and are of such extent as that now under deliberation. It becomes a mere joke, if they are to retire from the House when a poor criminal is at your bar, because they cannot bring themselves to vote in a case of blood, and yet can advise the most sanguinary measures, which involve the lives of thousands. But, my lords, as I said before, I know that arguments drawn from religion or humanity, are of little avail, I shall therefore return to those of policy, which every day speak more and more forcibly.

If the conquest of America by force becomes now evidently impossible, let us consider what we are risking in this idle and wicked pursuit. The Speech gives us reason to think, that his Majesty does not trust to the assurances he receives from foreign powers for the preservation of peace. That their armaments call for armaments on our side. Let us, then, reflect on the condition we are in for that European war, against which we are called upon to prepare. Our chief army, that of our allies, and the greatest part of our frigates, are in America. Will not the first hostilities here oblige us to recall them, and consequently to abandon America? Can those armies come away without loss? Are we sure that they will arrive in time to save this country? Do not they run the risk of being intercepted? In the mean time, let us see what we have to trust to at home. The noble lord at the head of the Admiralty says, we have a good fleet,

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well manned, superior to what France and Spain can unitedly bring against us. He is responsible for what he has asserted; I wish it may prove so. But are we sure, that in case of a rupture, a superior fleet can secure us from a foreign invasion of this island, across a channel which, from numberless ports, may be traversed in a winter's night? We know that almost as often as foreign forces have seriously attempted to land they have succeeded; and what is our defence here, if such an event should take place? I remember, that at the beginning of the last war, the apprehensions of an invasion were so great, that although almost all our army and navy was at home, we sent over for 12,000 Hanoverians and Hessians to protect us. Perhaps that was needless and excessive caution; but we err too much the other way, when we trust to the very small force now in England or Ireland; and however useful the militia may be, I hope we shall never rely on them solely for our defence, especially officered as they now are, by men without that qualification which is the very essence of the constitution. Of all nations upon the earth, I believe England would be the soonest and easiest conquered, if a considerable foreign force was to land at this moment, while our army is out of the kingdom, for our people are totally unused to arms, the country is without fortresses or strong posts, and our government without confidence. The state of our finance appears to me equally critical. It is a subject of too much detail to enter into on a day not peculiarly appropriated for that purpose; but it is sufficient to say, that we are far, very far exceeding that debt which, at the end of the last war, was thought would crush us, and was then sufficient to compel us to peace. In addition to that debt, and its present vast increase, we have, I fear, lost America, and the resources it furnished.

His Majesty in his speech says, he shall ever be watchful of an opportunity of putting a stop to the effusion of the blood of his subjects: but a noble lord has said, that the proposal for peace must come from parliament. But, my lords, I must contend, that there are no means at present existing, for the King to set on foot any treaty for peace. The grounds of the present contest are the pretended rights of parliament. The King cannot of his own authority enter into any treaty for relinquishing the most insignificant of them. The Act under which commissioners are appointed, authorises them merely to receive submission, and on that condition to grant pardons; and therefore, if both sides were ever so much inclined to treat, that is, reciprocally to yield up claims, there is no legal method open for such a treaty. Even the disposition of parliament is uncertain. At one time, we do not mean taxation; at another, revenue is not our object: one minister requires only an admission of the supremacy of parliament, another unconditional submission. A secretary of state has told us, that the negociation opened on Staten Island, broke up as soon as begun, because the American deputies required the admission of their independency as a *sine qua non*. I believe the want of power in our commissioners to treat, was the true cause of that business proceeding no farther; and although I am persuaded the noble lord did not mean to deceive the House, I have reason to believe the action was not as he has stated. Let the noble lord lay before the House the account which was received of it, that is, the regular method of parliamentary information. I wish parliament would remedy the real difficulty which at present subsists, and authorise commissioners really to treat.

In regard to the Amendment proposed, my only objection to it is, that it seems to convey to the world an idea that we are still in time to recover those invaluable provinces to Great Britain. I much fear it is elapsed. I do not say that it is impossible to reunite America with England in some shape or other, or that it should not be attempted; but I would not have the people of this country raised to an expectation, in which I fear they would be deceived. I will not despair, because I am convinced that an equitable and fair union would be most advantageous to the inhabitants of both countries; but after the exasperated state to which things have been driven between the army and the Americans, I doubt they will never be reconciled to hold any dependance on a nation, from which they have received such unpardonable injuries.

A secretary of state has said, that he was glad to hear the noble earl who moved the Amendment, declare, that he was still for the dependency of America, and that he understood all who supported the noble lord agreed in the same sentiment. I know not from what premises such a conclusion is drawn; but lest silence should be deemed acquiescence, I must for once

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declare, that although I much wish to see the Americans return of their own accord to a reasonable degree of dependency on this country, yet I will not say, that any alliance with them as free states ought to be rejected. If we can obtain the benefits of their commerce in return for our protection, it is all that is essential, still, less might be beneficial. I would treat, and get what I could with their consent; but I would sooner give up every claim to America, than continue an unjust and cruel civil war. I am happy to find the noble earl who moved the Amendment, has in some respect deviated from the Bill he proposed three years ago; and that he would now give America security against the existence of a military force there without their consent. Indeed, the sad experience they have had, makes such a security the more called for, as without it all other provisions would be useless.

The Earl of *Chatham*. I approve in part of what the noble duke says; but I by no means think the enquiry ought to be set on foot entirely for the sake of the right reverend bench. This House, the parliament, the nation at large, ought to have the opportunity to clear themselves of that heavy load of black and blood-imputed guilt, under which they suffer. I pledge myself to set on foot an enquiry into the state of the nation; and, as one of its leading objects, I shall endeavour to discover who were the authors and advisers of letting loose the blood-hounds and hell-hounds, the savages of America, upon our brethren there. It shall be a kind of a lustrum, to cleanse and purify the nation from the odious guilt of those horrid barbarities. You, my lords, the bishops, I trust, will assist in this pious work; and you, my learned lords, who are both the constitutional guardians and interpreters of the laws, [addressing himself to the lord Chancellor and lord Mansfield] will not, I trust, be wanting. I shall implore the aid of the lawn sleeves and ermine on that occasion. I hope to stamp a proper mark both upon the illegality and inhumanity of this bloody measure; we shall then be assisted by the lawn and ermine, by innocence and wisdom: we shall have the pious assistance of that sacred bench; and the no less constitutional and efficacious aid of the sages of the law; of our right reverend and most learned brethren on both sides of the House, in dragging the author or authors of this Satanic measure, into broad day-light, and inflicting on him or them, the most exemplary punishment.

Earl of *Suffolk*. The noble earl has expressed himself in very vehement terms indeed. I wish he had felt as powerfully for the many unheard-of cruelties exercised by those very people over their own brethren, for no other crime but merely refusing to join in rebellion. I insist on what I first said, that if the Indians had not been employed by us, they would have been employed against us. The Americans sent their emissaries amongst them; and while his lordship expressed so much horror at the cruelty of the savages, I am surprised that he did not bestow one thought on the much more unnatural and bloody conduct of our rebellious subjects, who, to the guilt of committing similar cruelties to those he has enumerated, on Englishmen, and their own countrymen, have added the crimes of treason, perfidy, ingratitude, and rebellion. The alliance of the Indians is to be justified upon two grounds; one, as necessary in fact; the other, as allowable upon principle: for first, the Americans endeavoured to raise them on their side, and would gain them, if we did not; and next, it was allowable, and perfectly justifiable, to use every means that God and nature had put into our hands.

The Earl of *Chatham* said, the conclusion of the noble earl's speech contained a most preposterous and enormous principle; and added, that such notions standing so near the throne, might pollute the ear of Majesty. He affirmed, that such an alliance was against the constitution; he believed against law.

Viscount *Townshend*. The case was this: M. Montcalm employed them early in the war, which put us under the necessity of doing the same. I do not pretend to say for what purposes the noble lord who spoke last might have employed them, at Montreal or in the interior country; but they were never employed in the army I commanded, but in assisting the troops in the laborious services necessarily attending an army. They were never under military command, nor arrayed for military purposes.

Earl *Gower* wondered that they who had the conduct of last war, should forget the means by which it was conducted, and now condemn the measures they had formerly authorized: and added, that Indians had been employed on our side in the last war in America; that presents had been given, and treaties made with them.

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The Earl of *Chatham* answered, he did not forget; that he well knew they had been employed, for the necessary purpose of war, as he presumed, and not to be stretched far and wide for murder and massacre, and all their concomitant horrors: that if the previous use of them by the French, our natural enemy, and the inevitable necessities of our army, obliged us to employ them in military purposes to scour the country or cover our flanks, the general who commanded, and who acted from those necessities, would account for them: that he now appealed to him in that House, and called upon him to declare, whether the administration in that war had ever directed or authorized the use of the savages? Whether ever a line from office had given that measure an official or public sanction? He reminded the noble earl (Gower) that his lordship was not then in office; but that he himself, who had then the honour to be secretary of state, assured their lordships, administration never had justified or authorized that measure.

Lord *Amherst* confessed, that they had been employed last war in America; that they had been employed by both sides; and that perhaps both sides might have been in the wrong; but did not impute any sanction or knowledge of their use to administration.

The House divided: For the Amendment 28; Against it 97. The Address was then agreed to.

Protest against the Address of Thanks.] The following Protest was entered:

"Dissentient.

"Because this Address is a repetition of, or rather an improvement on, the fulsome adulation offered, and the blind engagements entered into on former occasions by this House, relative to this unhappy civil war. — *(Signed)*—EFFINGHAM, RICHMOND."

The King's Answer to the Lords' Address of Thanks.] To the Address of the Lords, his Majesty returned this Answer:

"My Lords,

"I thank you for this very loyal and dutiful Address, as well as for your congratulations on the increase of my family, and for the regard you express on this occasion for the Queen.—The assurances you give me of your firm and temperate sentiments respecting the measures in which we are engaged, are highly agreeable to me; and I persuade myself that salutary effects must be the natural result of deliberation, conducted on such principles. You will ever find, that the favourite wish of my heart is, to promote and effectuate the common happiness and welfare of all my dominions."

Debate in the Commons on the Address of Thanks.] The Commons being returned to their House,

Lord *Hyde* rose for the purpose of moving an Address of Thanks. His lordship prefaced his motion by a panegyric on the prudence of government, the necessity of the war, and the good conduct of our commanders, who, notwithstanding some insinuations thrown out lately in the public prints, deserved our utmost confidence, and amply justified that hope which his Majesty as well as his ministers placed in their future exertions. He said, that the *ense recidendum* was not adopted until the views and actions of the Americans called loudly for the measure, and that he doubted not but the prudence of government would seize every opportunity to put a stop to the effusion of blood, when the honour, the dignity, or the interest of the nation would admit of such a desirable effort. His lordship concluded with moving the following Address:

"Most Gracious Sovereign,

"We, your Majesty's most dutiful and loyal subjects, the Commons of Great Britain, in parliament assembled, beg leave to return your Majesty the humble thanks of this House, for your most gracious Speech from the throne.

"Deeply interested in every event which tends to increase your Majesty's domestic felicity, and impressed with the liveliest sentiments of duty and attachment to the Queen; we beg leave to offer to your Majesty our congratulations on the birth of another princess, and on her Majesty's happy recovery.

"We assure your Majesty, that we take a sincere part in the confidence which your Majesty expresses, that the conduct and courage of your officers, and the spirit and intrepidity of your forces, both by sea and land, will, under the Divine Providence, be attended with important success. But at the same time, we entirely concur with your Majesty in thinking, that it is necessary to prepare for such further operations, as future events, and the contingencies of the war, may render expedient. And we learn, with much satisfaction, that

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your Majesty is, for that purpose, pursuing the proper measures for keeping your land forces complete to their present establishment. And whenever your Majesty shall be pleased to communicate to us any new engagements which you may have entered into for increasing your military force, we will take the same into our consideration: and we trust your Majesty will not be disappointed in the gracious sentiments which you entertain of the zeal and public spirit of your faithful Commons.

"We are truly sensible, that your Majesty's constant care for the welfare of your people, and your generous concern for the happiness of mankind, dispose your Majesty to desire, that the peace of Europe may not be disturbed; but we acknowledge, with equal gratitude, your Majesty's attention to the security of your kingdoms, and the protection of the extensive commerce of your subjects, in having made a considerable augmentation to your naval force, on which the reputation and importance of this nation must ever principally depend; and we hear with the highest satisfaction, and rely with perfect confidence on your royal declaration, that your Majesty will always be the faithful guardian of the honour of the British crown.

"We beg leave to assure your Majesty, that we will, without delay, enter into the consideration of the supplies for the ensuing year; and that we will cheerfully and effectually provide for all such expences as shall be found necessary for the welfare and essential interests of these kingdoms, and for the vigorous prosecution of the measures in which we are engaged for the re-establishment of that constitutional subordination, which, we trust, with the blessing of God, your Majesty will be able to maintain through the several parts of your dominions.

"We acknowledge, with equal gratitude and admiration, your Majesty's paternal declaration, that you will be ever watchful for an opportunity of putting a stop to the effusion of the blood of your subjects, and the calamities of war.

"Permit us to assure your Majesty, that we cannot but still entertain a hope, that the discernment of their true interests, the remembrance of the blessings they once enjoyed, and the sense of their present sufferings under the arbitrary tyranny of their leaders, will induce the deluded and unhappy multitude to return to their allegiance, and will re-animate their hearts with a spirit of loyalty to their sovereign, and of attachment to their mother country.

"The gracious and condescending manner in which your Majesty expresses your desire, that you may be enabled to restore peace, order, and confidence to your American colonies, cannot fail of endearing your Majesty to the hearts of all your subjects; and we assure your Majesty, that when this great work can be accomplished, and settled on the true principles of the constitution, your Majesty may depend on the most zealous concurrence and support of your faithful Commons."

Sir *Gilbert Elliot*,* in seconding the motion, observed, that though he had not the honour of a seat in the House when the grand objects of the present unhappy war were under the discussion of parliament, yet he was well aware that they had been already viewed on both sides of the House in every light wherein they were capable of being seen. And, indeed, if they had not, it was perhaps now unnecessary to discuss them. The question was not now whether America was originally right or wrong; but whether she should or should not remain independent. And taking the case of the colonies as it now stands, he was astonished that any man, born and educated in Britain, could stand up in that House to express a sentiment contrary to the spirit of the measures adopted by government, and conveyed to us in the language of his Majesty's most gracious speech. He took occasion to introduce an observation on the present state of our trade and commerce; averring, that, so far from being diminished by the present contest, as might reasonably be feared, they were rather increased within the last twelve months. He heard nothing of our artisans being unemployed in any branch of trade in the kingdom; and, bating a little increase of luxury, which, upon the whole, was rather a thriving symptom, he believed the nation was in as flourishing a condition as at any period in his memory. He, in explicit terms, stigmatized those who were of an opposite opinion, as a set of people pervaded with the spirit of faction.

The Marquis of *Granby* lamented the consequences which must fall upon this nation as well as upon the Americans from so unnatural a war. He seemed to take

* In October 1797, created a peer by the title of baron Minto.

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an equal interest in the calamities it must bring upon both, and expressed the most ardent wish of employing the present moment to lay at least the ground-work of an accommodation. The powers of Great Britain had been exerted, during three successive campaigns, to obtain peace with that continent by the point of the sword; and flattering himself that the present moment of uncertainty, with respect to the success of our arms, was a most proper time for attempting to effect it by a measure of cordiality, he begged leave to move an Amendment, by inserting, after the words "to assure his Majesty, that," at the beginning of the third paragraph, these words, "this House does most humbly advise and supplicate his Majesty to be pleased to cause the most speedy and effectual measures to be taken for restoring peace in America; and that no time may be lost, in proposing an immediate cessation of hostilities there, in order to the opening of a treaty for the final settlement of the tranquillity of those invaluable provinces, by a removal of the unhappy causes of this ruinous civil war, and by a just and adequate security against the return of the like calamities in times to come: and this House desire to offer the most dutiful assurances to his Majesty, that they will, in due time, cheerfully cooperate with the magnanimity and tender goodness of his Majesty, for the preservation of his people, by such explicit and most solemn declarations and provisions of fundamental and irrevocable laws, as may be judged necessary for ascertaining and fixing for ever, the respective rights of Great Britain and her colonies."

Lord *John Cavendish* seconded the Amendment; and pointed out the inconsistency of those sentiments of humanity in the King's Speech, which the measures of administration so openly contradicted. He said, that, for an ideal revenue of 5 or 600,000*l.*, fifteen millions had been already expended; that great professions had been made from the throne two years back, of what was to be done; but, instead of finding them fulfilled, he perceived that *fallere et effugere est triumphus* with the ministry; for that last summer our coasts swarmed with the American privateers; and how much their force was dreaded by government, he could prove, being himself an eye witness of the fortification of Dublin harbour, which had never been deemed necessary before, even in a war with our natural and most inveterate enemies:—that so far from our succeeding every campaign, in his opinion the present measures served only to lead to an eternity of war; that he could have no delight in the intelligence of the success of either force, as it must naturally be destructive of the dearest interests of this country. He had no objection to the congratulatory compliments to his Majesty contained in the Address, but wished heartily for the proposed amendment, thinking it the only step that could lead to the wished for reconciliation. He did this with the greater readiness, as he trusted it would be universally allowed that the proposition came from the purest and most liberal motives; and as the young nobleman by whom it was offered was so circumstanced in point of fortune, family, and dignity, that it was impossible for any cause to affect the state in general, without having a similar effect with respect to him in particular. He then went into the conduct of the war during the three last campaigns, and from the little effect which coercion had produced, as well as from the ties of humanity and relative duties, deduced the expediency of adopting the measures recommended in the motion.

Governor *Johnstone* said, he must condemn the general and violent censure thrown out by the young member (sir G. Elliot) on those gentlemen who had maintained opinions different from his, for several years before he came into parliament, and who, at this day, found no reason to alter those opinions. He professed himself one of those gentlemen whom the young member had branded with the appellation of a faction, and to justify his sentiments, offered a variety of reasons chiefly deduced from facts. He spoke strenuously of the merit of lord Howe as a commander, not only from his conduct in the present war, but from his own personal knowledge of him. The difficulties he must have met in his passage from New York to the Elk were numerous and immense; yet he understood this gallant officer, equipped as a common sailor, with a jacket and trowsers, went himself into the boats, and with the plumb in his hands, conducted a large fleet up to Chesapeak Bay, through shoals and obstructions, which it was thought by able officers were impracticable to get over. But he denied that any real advantage had been acquired by those great achievements; he denied that our trade was in a flourishing state: we had lost the Mediterranean trade, the African trade; and

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even our home trade was invaded; for very lately a number of French bottoms had been employed to carry our own goods from the river Thames; and as the young member must certainly be a man of learning, he ought to have known that a rise in the interest of money was a certain sign of the decay of trade. He said, that the contest was now of such a nature, that both sides of the House, he had no doubt, acted from principle, in defence of their different opinions. He exhorted the House to be circumspect, in the step they were going to take, and not, without a ray of information from the ministry, now give the decisive vote to conquer or die! He then gave a melancholy detail of the military operations of the present campaign, and particularly of general Burgoyne's defeat; and said that America was forced to declare her independence, in order to secure foreign assistance. The governor, therefore, drew as a conclusion, that, if success was not to be derived from such commanders, there must be some inherent obstacle in the cause in which they embarked, which could not be got over. Here, in a digression, he drew a sketch of the state of Spain, under the reign of Charles 5,—of his vast conquests in different parts of the globe, and his discoveries of unknown countries, and contrasted it with the abject and contemptible state that mighty empire was hurried into by his son, in an ill-founded contest with the United States of Holland; and from which it has never raised its head; that the latter prince was the first who found out funding, and afterwards broke the national engagements he had thereby contracted. He observed that the alarming situation of this country might be collected from the present exorbitant interest of money, and that the trade of it was now in the hands of government. He concluded with remarking, that all he wished, in order to accommodate the present differences, was to see America brought back to what she was at the end of the last war.

Mr. *Wilkes* said:

Mr. Speaker; by the established doctrine of parliament, I am authorized to consider the first day of a new session as peculiarly the day of the minister, perhaps more peculiarly so than even the important day towards the close of the session, which is regarded as the day of his triumph, and called his opening the budget. On that day the minister submits to the House his state of the finances of this kingdom, an account of the various sums voted during the session, the ways and means he proposes of raising the supply, the certain and probable expences of the year, and in general the revenues and resources of the empire. This first day of a session is still more interesting, and holds forth more important matter to our consideration. The session is regularly opened by a speech from the throne, but, although pronounced by the king, it is parliamentary language always to stile it the speech of the minister, that in a fair and full discussion of it, the sacred name of majesty may not be made use of to controul or check that freedom of debate, which is the essence, and constitutes the great dignity, of an English House of Commons. The minister, Sir, then, in the speech, gives us a general view of our situation both at home and abroad, the probability of the continuance of war or peace, the state of foreign powers, so far as they are likely to affect this empire; and in short whatever has a relation to our internal security, or foreign connections with the allies of the crown. But, Sir, this is only the minister's *coup d'oeil* of the kingdom; his declaration of what he thinks the actual situation of public affairs. It is a kind of ministerial chart, which this House may adopt, or reject, at pleasure, and pursue the same, or a course directly opposite. I thought it necessary, Sir, to premise this before I go into the examination of the paper on our table, and I shall not scruple to avail myself of the right I claim, as one of the representatives of the people, to treat that production as containing merely a sketch of the minister's sentiments, as the substance of the political creed, which he wishes to be received by the nation.

The Speech, Sir, in my idea, clearly conveys to this House a firm resolution to continue this unnatural, unjust, and barbarous war, to our utter destruction. It breathes a spirit of unrelenting rage, cruelty and carnage, a savage thirst of blood. Yet the torrents of blood already shed, and the prodigious waste of national treasure, have hitherto been followed with no signal or splendid successes. In the third year of the war nothing decisive has happened. We are still bleeding at every vein to support this American contest, and I see no probability of a near and final period. We cannot but observe in the declaration of the minister, that perse-

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verance in error, that fatal obstinacy in the pursuance of this mischievous plan, which must end in the ruin of our country, and the complete establishment of another potent empire from the fragments of the British monarchy. Scarcely a faint gleam of hope dawns upon us. Ministers seem determined to rush on to only imaginary conquest, but certain irretrievable ruin; for if the war should be continued on the present wild and expensive plan, it will effectually bankrupt the nation. We are told, Sir, in the speech, that the minister has "a just confidence that the conduct and courage of our officers, and the spirit and intrepidity of our forces, both by sea and land, will be attended with important success." The high spirit and courage of Englishmen have never been doubted. Would to God, Sir, they were at this time exerted in a good cause, in a just and righteous quarrel! But, Sir, to this hour we know of no important success. We have scarcely a certainty of one favourable event of this year's campaign. Even the ministers tremble for the condition of general Burgoyne. I will however suppose, that every advantage, which the most sanguine friend of administration has propagated without proof, is at last authenticated, that Philadelphia is taken, and the army under general Washington totally defeated. Let us recollect, Sir, what passed after Boston was taken by the British forces. Our general was soon besieged in that capital of New England, ignominiously cooped up there many months with twenty regiments, and at last driven from thence. I know the colouring given to this retreat by the court party among us, and have been nauseated with the cant terms of our generals changing their quarters, and shifting their position; but I know likewise that their artillery and stores were left behind. All the military men of this country now confess that the retreat of general Howe from Boston was an absolute flight. I believe it was as much so, as that of Mahomet from Mecca. Should Philadelphia be taken, we have indeed one more American town in our possession, if it is not reduced to ashes by us, like several other towns and villages. Shall we be able to keep Philadelphia longer than we did Boston? Will not experience warrant me to suspect, that before the winter is over, we shall hear of general Howe's being besieged in Philadelphia, and at last retiring from thence with the loss of his heavy cannon, and warlike stores, as he did from Boston? The object of the last year's campaign was the conquest of the two Jerseys. It succeeded. This year our troops have been obliged to evacuate both the Jerseys, which are lately declared to be out of the King's peace. I will likewise suppose, Sir, that the report of general Washington's defeat is confirmed, and the total dispersion of that army. I remember about a month before the affair of Trenton, the army of general Washington had so entirely melted away, that he had not five hundred men under his command: yet the prospect of success against the German mercenaries there gave him, at a critical moment, a small but spirited army; and the just vengeance of America proved fatal to almost the whole body of Hessians at Trenton. Admitting that general Washington has suffered a severe check, will he not be able to recruit from an immense tract of country devoted to his cause and person? Still, Sir, two other provincial armies, in no small degree formidable, subsist; one in Massachuset's Bay, the other in South Carolina. They have received no check. They may march against the army of general Howe, reduced and weakened by the victories, which he is said to have gained. To give the strongest force to this reasoning, let me put the case of a general dispersion of the provincial troops in America, and of the dissolution of the Congress. What conduct can Great Britain then pursue? How will you preserve a country which extends almost from Hudson's Bay to the southern extremity of Florida? Will you garrison all the towns of any consequence through that immense extent of territory? Will your army separate, and go into cantonments? If you do, wherever you are weak, you will be attacked, and your troops probably meet the fate of the Hessians at Trenton. But, Sir, this country neither has, nor can raise, an army adequate to these purposes; and if we could hire all the regimented savages of Germany and Russia, the common destroyers of the human race, we must sink under the expence. The nation would be beggared by the effort. The noble lord at the head of our finances would soon find all the pillars of public credit shaken to their foundations, and all the fountains of national wealth dried up and exhausted. On such terms America is not worth the holding.

I am aware, Sir, that it will be said, the

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Americans will, in case of general success on your part, give up the contest, and submit to the terms you prescribe. The late experience of general Burgoyne is the fullest answer to this objection. He tells us, that the very provincials, who were most forward to profess themselves loyalists, and to take the oaths of allegiance, and submit to lieut. colonel Baum, were the first to fire upon him; that he was attacked on all sides, that he shewed great personal courage, but was overpowered by numbers. In short, Sir, there was a total destruction of that detachment. Mr. Burgoyne highly blames a provincial gentleman for being so incautious as to leave at liberty such as took the oath of allegiance, as if it were a better mode of persuading the others, to confine their countrymen the moment you consent to admit them to swear allegiance. Men are not converted, Sir, by the force of the bayonet at the breast, nor by imprisonment. It is employing the violence of the highwayman. He takes your purse indeed, but you recover it from him the instant you become stronger than the robber. Nor is this to be considered as treachery. It was a compact, not originating from free will, or mutual consent, but founded merely in force, and dissolved in the same manner. But I believe the Americans are neither to be cozened, nor by violence deprived of either liberty or property. I therefore recur, Sir, to the wise Amendment to the Address, which the excellent lord has moved, to supplicate his Majesty, that no time may be lost in proposing an immediate cessation of arms, as the only means of beginning a treaty, and effecting a reconciliation with our American brethren. The hostile measures echoed to the throne in the ministerial address will be ineffectual, and only serve to strengthen the independence of the colonies, and give additional vigour to their resistance. We cannot succeed by force, nor in this commercial country is the object worth our while, were it possible. Let us carry these plain and certain facts to the foot of the throne, and let parliament hold likewise to the nation the language of truth, a language very different from what we have hitherto heard from ministers.

The nation, Sir, has been duped for several years by a succession of ministerial falsehoods. When the Boston Port Bill passed, the minister declared that we should soon have America at our feet, for the rest of the Massachuset's Bay would desert Boston. The other provinces, he assured us, would, from a rooted jealousy, rejoice at her humiliation, and enjoy the prospect of dividing her trade. When the whole province became like one man, it was said the southern colonies however disapproved the conduct of New-England. After both the southern and northern colonies united, and made a common cause, we were told that means were found to prevent the meeting of the Congress. General Gage publicly declared, that he would be in the midst of them. He chose however not then to change his position. The Congress met without him, and in a perfect spirit of unanimity, for their wranglings were never heard but by the gentlemen on our Treasury-bench, and the majority of this House. The non-importation and non-exportation agreements were likewise declared impossible to subsist in a nest of known smugglers; yet time has shewn how strictly they have been preserved. It was likewise most confidently averred, that the cowardly Americans dare not assemble in arms, and that two regiments were sufficient to march through, and subdue, the rebellious colonies. This however must be acknowledged to be prior to the siege of general Howe, and the twenty regiments, in Boston. I will not, Sir, tire the House with recapitulating the regular succession of court tales and fictions. They have long been the amusement of mankind, both at home and abroad. Even at the present period ministers give out, and affect to believe, that thirteen powerful colonies can be conquered, after having for three years baffled all the efforts of this country both by sea and land, trained and disciplined their people, settled to the satisfaction of the inhabitants their respective governments, raised large armies to serve during the war, provided for their pay, and collected immense stores of artillery, arms, and ammunition, seconded by the zeal of all America, and more than the good will and applause of all Europe—except the court faction among us. But, Sir, although America cannot be conquered, it may perhaps be regained by the mild arts of lenity and justice, by temper and moderation. The sword must first be sheathed, according to the proposed amendment of the noble lord, and then we may talk of peace on fair and solid terms, on terms of equality as brethren, as heirs of the same glorious free constitution. I indulge the

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hope that things are not yet quite desperate. I am sure peace will be the greatest blessing to both countries. It is perhaps even more necessary for us than for them. The infant American state seems already to possess the strength and vigour of the infant Hercules, ready to be exerted in a similar manner, in subduing the monsters of tyranny, cruelty, and violence. Our exhausted state is well known to our enemies, who triumph in our fatal distractions, and are preparing to avail themselves of our sinking condition. Sir, I must again and again repeat, that in my humble sentiment a reconciliation with America is necessary for the salvation of this country. I mean a firm, lasting agreement with the colonies on terms of a just equality as to rights and privileges. Any other agreement would not be permanent; that alone would save us from the impending ruin. The answer of the Privernates to the Romans should govern us, "si bonam pacem, et fidam, et perpetuam—si malam, haud diuturnam." The reception such an answer met with was worthy of the Roman people. Livy says, "pars melior senatûs ad meliora responsum trahere et dicere, viri et liberi vocem auditam."

The speech, Sir, seems to flatter us with a promise of attention to this great object, the restoration of peace to our distracted and dismembered empire. It says, "I shall ever be watchful for an opportunity of putting a stop to the effusion of the blood of my subjects, and the calamities, which are inseparable from a state of war." The ministers, Sir, rejected with indignity one happy opportunity of putting a stop to the effusion of blood, when, even after the battles of Lexington, Concord, and Bunker's-hill, the Congress humbly supplicated his Majesty, "to direct some mode, by which the united application of his faithful colonists to the throne may be improved into a happy and permanent reconciliation." To the mad insult of the American secretary, lord Dartmouth, in September 1775, when he told the agents of the colonies, in the King's name, that no answer would be given, all the subsequent calamities of this civil war are to be attributed, and perhaps the loss of half our empire. Many calamities, Sir, are undoubtedly inseparable from a state of war; yet the present war against our brethren in America has been attended with peculiar circumstances of cruelty, which fill the mind with horror, with calamities which are not inseparable from a state of war. Are the scalping-knife and tomahawk necessary calamities of war? Are they inseparable from it? God forbid! I have read a late proclamation of that great general and preacher, Mr. Burgoyne, which is shocking to a civilized and generous nation. As a state-paper it disgraces our country. The imperial court have often employed many kinds of irregular troops, Croats, Pandours, and Hussars; but their names disgrace no public act. If they plunder, they do not torture. The pious preacher, Mr. Burgoyne, complains of this froward and stubborn generation, and at the very moment of mentioning his consciousness of Christianity, displays a spirit of cruelty, which is repugnant to every principle of humanity. He boasts that he will give stretch to the Indian forces under his direction, and they amount to thousands. Merciful heaven! Thousands of Indian savages let loose, by the command of a British general, against our brethren in America! Human nature shrinks back from such a scene. "At his heels, leasht in, like hounds, should famine, sword, and fire, crouch for employment."* Mr. Burgoyne's feelings as a man, I fear, will not hereafter be as universally acknowledged as the military talents of the great general. In the present case I have that pity for him, and his employers, which they have not shewn to others. What, Sir, has been, and still continues, the conduct of Indian savages in war? Is it not to exercise the most shocking cruelties on their enemies, without distinction of age or sex? The conduct of this war goes on a par with its principle. Has the feeble old man, the helpless infant, the defenceless female, ever experienced the tender mercies of an Indian savage? He drinks the blood of his enemy, and his favourite repast is human flesh! Is a stretch given to thousands of these cannibals by the command, in a public manifesto, of one of the King's generals? I am bold, Sir, to declare that such orders are unworthy the general of any Christian king. They are only becoming a Jewish priest to a Jewish king, in the most bloody and barbarous of all histories, the history of the Jewish nation. The orders of the Jewish priest were, "now go and smite Amalek, and utterly destroy all that they have, and spare them not; but slay both man and woman, infant and suckling, ox and sheep, camel and

* Shakspeare's Prologue to King Henry 5.

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ass." [1 Samuel, ch. xv. v. 3.] General Burgoyne threatens the Americans with "all the vengeance of the state," not its justice, that "the messengers of wrath will meet them in the field, devastation, famine, and every concomitant horror." Not the sword of even-handed justice, falling only on the guilty heads of the bold rebels, but the savage tortures of a tomahawk from the thousands of Indians under his direction, on the innocent women and children. I remember, Sir, an hon. gentleman (Mr. Henry Dundas), whom I see in his place, a gentleman very high in the law, not only humanely proposing, according to the ideas, and in the language of his country, but dwelling with rapture on what he classically called a Starvation Bill for the poor Americans. I rely, however, Sir, on the spirit and prowess of the Americans, that they will neither suffer the fate of the Amalekites, nor retaliate the attempt on the savages of Europe.

This year, Sir, we have again in the Speech repeated assurances from foreign powers of their pacific dispositions. The noble lord who moved the Address, thinks France will not change, and the hon. gentleman who seconded the motion, assures the House of the perfect amity of the neighbouring powers. Can any change, Sir, be equally advantageous to France as a perseverance in the present system? America now pours all her wealth into the lap of the House of Bourbon, which sees her ancient enemy daily perishing by a fatal civil war. Even the minister seems to awake from his long lethargy; for the Speech says, "at this time, when the armaments in the ports of France and Spain continue, it is thought advisable to make a considerable augmentation to our naval force." Parliament ought to have been informed of the whole truth with respect to the treachery of France. I am sure, Sir, I shall not be contradicted, when I affirm, that France, the government of France, not covertly, nor underhand, not secretly by merchants only, but directly and openly as a government, assist the Americans. The two Congress ships of war, which had the engagement with the Druid, are now refitting at L'Orient, on the coast of Brittany, and furnished with every necessary from the French king's stores at that place. The fact is well known to the minister, and tamely submitted to; but this open insult on the nation is endeavoured to be carefully concealed.

The old ally of this nation, Portugal, is not honoured with the slightest mention in the Speech. I will give the House the reason. Portugal is not only lost to us, but is become an acquisition to the House of Bourbon, by acceding to the Family Compact. By that treaty, Sir, the substance of which was published in the French Gazette, all the subjects of the House of Bourbon were to be equally favoured with the natives of each respective state, as to every privilege of navigation and commerce. Such a treaty, Sir, directly militates against many former treaties, of Utrecht, Aix-la-Chapelle, and others, particularly those with Spain. It will be a fatal blow to the commercial interests of this kingdom, whenever it is carried into execution by the whole House of Bourbon.

An universal gloom, Sir, seems to be spreading over our political hemisphere; yet we are called upon by ministers to address the throne in such terms, as if we were only suffering a slight and transient misfortune, not groaning under the load of exorbitant and enormous taxes, and on the brink of ruin. Since the late augmentation of the Civil List, we seem to be wonderfully improved in chirping addresses. This is not, however, a piping time of peace. Compliments during the calamity of a wide extended civil war, brought on by ministerial oppression, are absurd. The prospect from America is covered with clouds and darkness. A pleasing ray of light seems at the present moment to beam upon us from the noble lord's proposition for an immediate cessation of arms. If that is rejected, I fear the nation will sink in despair. That proposition I consider as the first, most necessary step to a reconciliation. After a cessation of arms, I hope our fleets and armies will be withdrawn, all the late unjust acts repealed, and the charters restored. Let us treat with the liberal spirit of freemen and Englishmen. Unconditional submission, is unconstitutional submission, and becomes only the slaves of an arbitrary monarch. Force against the vast American continent, we have found, avails us nothing. All coercion appears to be impossible. The attempts of violence have been followed with deep distress, disgrace, shame and disappointment. Let us, therefore, at last hear, and obey, the voice of reason, which calls aloud upon us to save ourselves and our brethren. The times teem with events, which must determine the fate of this once

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great and powerful empire. Let us be guided by the principles of lenity and justice, that the blessings of peace and union may be restored, and permanently remain, to the whole empire.

Mr. Alderman *Bull.* Sir, the motion of the noble marquis is, in the present situation of our affairs, of so much importance, that I cannot satisfy myself without giving my public testimony in favour of it. The distracted state of this empire demands the most earnest attention of each individual of the representatives of the people. Divided and distressed as we are at home, convulsed and distracted as they are in our once valuable colonies, uncertain as are the events of war, it behoves us to turn our thoughts to conciliation and peace; to restore, if possible, and to establish on a basis that may be immovable, that good understanding which once so happily subsisted betwixt us and our brethren on the other side of the Atlantic. To enter into the question of taxation without representation, after it has been so frequently and fully debated, would be a waste of time; I will therefore only declare, that, in my opinion, property taken without the consent of the owner, or his representative, is robbery; it is what our constitution never warranted; and any body of men who tamely submit to such an alienation of their birth-right, are utterly unworthy of the exalted name of freemen. This Amendment has peace for its object, and is founded upon the generous principle of equality. Can there be any reason urged why our brethren in America should not enjoy as fully all the privileges of the constitution, as our brethren in Ireland? Can there be any reason urged, why our brethren in Ireland should not enjoy all the privileges to which Englishmen are entitled? I am confident there cannot.—Sir, it is the boast, it is the glory, it is the perfection of our constitution, that every subject of it is equally interested in its privileges. To preserve this equality, our heroic forefathers suffered and bled; they counted not their lives dear, but exposed them to dangers and to death, in defence of their right of giving and granting their own money. A noble lord, once a valuable member of this House, declared within these walls, that he rejoiced that America had resisted. I, Sir, rejoice that the spirit of our forefathers, is seen to animate their descendants on the other side of the globe; and if ever such a claim should be exercised in our sister kingdom of Ireland, as that we are now unjustly and cruelly exercising in America, I hope that a spirit of genuine liberty and resistance will arise, sufficient to overwhelm it. Hitherto, Sir, we have been fascinated with the unmeaning parade of the uncontroulable authority of the parent state, and the supremacy of parliament. We have been shedding the blood of many brave men, and wasting the money of the people, for a mere phantom; and have, at length, been hurried on, by our mad ideas of superiority and invincibility, to the very brink of destruction. The predictions long since declared in this House, have in part already been accomplished; injustice has its reward; disappointment and disgrace its portion. In this horrid contest, we have gained nothing but unhappy experience; experience, however, by which wise men would profit. What has it opened to us? Scenes of returning commerce and felicity? No:—on the contrary, nothing but scenes of general distraction and misery. Let us, therefore, seize the present favourable opportunity. Let us bury in eternal oblivion our past animosities; and, by an offer of peace and of liberty, reconcile those whose friendship is our interest, but whose enmity, in the end, will certainly be our ruin.

Sir *Philip Jennings Clerk.* I shall heartily concur in the first part of the proposed Address, which is to convey our dutiful congratulations to the King, on the safe delivery of the Queen, and the birth of another princess; but having constantly opposed the American war, from the commencement, as thinking it might and ought to have been avoided; it will not be wondered at, that I should now refuse to give my assent to those other parts of this Address, which are to convey assurances to the throne, of our intentions to furnish means of prolonging and continuing the war. I do most heartily adopt the Amendment made by the noble lord: it is of a conciliating nature, tending to put an end to this unfortunate quarrel, which has brought this country to the eve of its ruin, and which, if persevered in, must end in its destruction. A motion of a nature similar to this, was made by a noble earl in another House, in the early part of these troubles. That noble earl, the greatest minister and the ablest statesman this country ever boasted, wishing to save this country a second time from impending ruin, stepped forth in its distress, and produced a plan of a Bill, which would at once have prevented all the ca-

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lamities which since that time have befallen us. He forewarned you at that time of all the distresses and dangers which have since happened. Unhappily for this country, little credit was given to his predictions; his plan of accommodation was rejected, not because it was disapproved, but there is too much reason to think that a jealousy of that great man's abilities deprived us of the benefit of his proffered services. His plan, so dissimilar to that of gentlemen in administration, could not be accepted without depriving them of their places. A reason which, I fear, will protract this war, as long as any honest man has a guinea left in his pocket, or a man, woman or child left alive in America, if we continue to furnish ministers with means to destroy them. A great price indeed for their services! Had that noble earl's plan been accepted, we should be considered as their friends, not their murderers; and should now probably be in quiet possession of our colonies. The people of that country would be now looking up to us for protection. Then, by a revival of trade and their assistance, we should be in a situation not to cringe to any foreign power, but to demand, if necessary, that justice by the sword, which we are now obliged to implore by memorials and petitions.

Mr. Serjeant *Adair* said he was astonished that on the first day of the session, when parliament, particularly under such critical circumstances as the present, should expect every information that ministry were able to furnish, in order to justify the House in pledging itself to supply government, not one man in administration had deigned to stand up to give parliament the smallest ray of light on the present state of affairs. It was unknown how we stood with respect to France and Spain; and it was strongly suspected that Portugal had acceded to the Bourbon compact. These were circumstances that should have some influence on our measures, and whatever knowledge government had of those matters, ought of course to be laid before the House; and the withholding such information, was a sufficient reason for the House to postpone the Address till they should be better instructed.

Lord *North* said, he thought it necessary to clear up the point started by the learned serjeant respecting the information he hinted at; for, that in the course of twenty years attendance in that House, he never remembered it to be the business of the minister to give a comment on the King's speech. And in answer to a charge of another hon. gentleman, it was the first he heard of general Burgoyne, like Samuel, putting man, woman, and ass, to the sword, as had thus been wantonly imputed to him. That the Indian savages in the King's service were headed by proper officers, who had it in charge to prevent the inhumanities complained of: that, lest it be deemed improper to have secured the Indians, it was necessary to inform the House, that the Americans had made overtures to gain them to their service, and therefore it was thought prudent to engage them, as an effectual means, among many others, of suppressing the rebellion. With respect to the odious aspersion thrown on the character of that military senator, now in his country's service, he trusted he should see him take his seat again in that House, when, he had no doubt, he would be able to defend himself fully against any man, who would rise up and accuse him. As to the unhappy war itself, he wished as heartily as any member for the happy moment to arrive, when something might be chalked out to effect the wished-for accommodation; but that happy moment must be the moment of victory. He confessed they were in the dark with respect to the late operations, having received no intelligence from sir W. Howe since a day or two after his landing at the head of the Elk river: he said, it would be absurd to order a cessation of arms on the part of the King's troops, as such a step would naturally imply that their original claim would be admitted; but said, the commanding officers had a power of granting a cessation whenever they deemed it expedient. With respect to foreign powers, he assured the House, that from every thing he had been able to collect, he could not find it was the interest, nor did he believe it was the intention of France or Spain to go to war with us; but as they thought proper to keep on foot great armaments in their several ports, he deemed it prudent to put this country in an equal state of defence, to guard against the possibility of an attack; that the language of the court of France was by no means that of war; whenever it had been deemed unintelligible, strong remonstrances had been made, and redress had been received; that they had published the strongest declarations, forbidding any countenance being shewn

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the Americans; and, in consequence of this conduct of the French ministry, no depredations had been committed on our coast.

Mr. *Burke* expressed great concern that the matters urged by so many respectable members as spoke before him should be treated so lightly, and took an opportunity of complimenting the several honourable persons already mentioned, and ridiculed the haughtiness of the minister. If it were possible, we would give a detail of a speech, which in the course of almost two hours, commanded the attention, excited the laughter, and sometimes drew tears from the sympathizing few; but we must omit all those changes of ridicule which were rung by his ingenuity upon the defence which lord North made in answer to the charge against general Burgoyne's proclamation; also pass over his proofs of the futility of our conquests in the colonies, and touch only on that pathetic supplication which he made to the House, to seize the present happy moment to attempt an accommodation, when neither elated with insolent victory, nor debased with abject defeat, we could with honour to ourselves make such proposals to our colonists, as they could, without dishonour, accept. He apostrophised with a degree of enthusiasm upon the noble spirit of men, who, if they had not been rebels, he could have been lavish in praising; of women who, reduced by the ruin of civil discord, to the most horrible situation of distress and poverty, had constancy, generosity, and public spirit, to strip the blankets, in a freezing season, from themselves and their infants, to send them to the camp, and preserve that army which they had sent out to fight for their liberty. And shall Britons, said he, overlook such virtue? and will they persist in oppressing it? Shall we give them no alternative but unconditional submission? A three years war has not terrified them, distressed as they are, from their great purpose. Let us try the power of lenity over those generous bosoms.

Mr. *Fox* assented, that the idea of conquering America was absurd; and that such an event was, in the nature of things, absolutely impossible. He proved his assertion from the situation of the country, the disposition of the people, and the distance from Great Britain. He said, that though the resources of this empire were such as to enable us to carry on the war for several campaigns more, there was a fundamental error in the proceedings, which would for ever prevent our generals from acting with success: that no man of common sense would have placed the two armies in such a position as from their distance made it utterly impossible that one should receive any assistance from the other. That the war carried on by general Burgoyne, was a war of posts: that the taking of one did not subdue the country, but that it would be necessary to conquer it inch by inch: that his army was not equal to the task—the numerous skirmishes with the enemy, and the natural difficulties of the country, would so retard his motions, that the campaign must be ended before the object of it was fulfilled; and that if he was happy enough to join sir W. Howe, it must be with nothing more than the shattered remains of an army mouldered away, which might have been of some service to the cause, if by the blunders of the ministry they had not been sent where it was impossible they could act, unless under the greatest disadvantages; such as must be obvious to a man of the meanest abilities, and which would escape no one but the inauspicious minister for American affairs.

He was severe on lord George Germain: he declared that ever since the day that nobleman forced himself into administration, our affairs began remarkably to decline. That it was the measures which he dictated to the ministry, that drove the Americans to a declaration of independence; and that as he was the cause of the continuance of the war, so he should not only be removed from the management of our officers, but be made to know, that a minister is accountable to the nation for the orders he gives, and the measures he advises. He expressed the greatest horror at arming the Indians, and letting them loose, not only against the troops of America, but also against the defenceless women and children, whose bodies even death could not rescue from the insults and barbarity of the savages. He said, he wondered how a prince famed for his humanity, benevolence, and sanctity of manners, as the present King was, could abet or suffer such miscreants to remain in his camp, when it was well known that brutality, murder, and destruction, were ever inseparable from Indian warriors.

He took a cursory review of the operations of the several campaigns; shewed how little we had gained, and of course how little we might expect to gain: and

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expressed his hearty wishes that we were now in as good a state, as when the noble lord found us, in 1775. He asserted that France was the directress of our motions; that we went no farther than she thought proper to permit us; and that the fate of the American contest depended on her councils; that if she declared war, the immediate consequence must be an evacuation of America; our troops and ships must be called home to defend ourselves, and America of course become free. He reprobated all the proceedings: and asked for what purpose hostilities were commenced? If it was to maintain the Navigation Act, why were so many French bottoms employed in the river? If it was to raise a revenue, he observed, that the ministry took a very serious step to effect their purpose, by plunging the nation into a new debt of fifteen millions. If they intended to secure the commerce of America by arms, they had most happily hit upon a plan, that not only deprived us of the benefit of it, but had thrown it all into the hands of our enemies. He said, if terms were offered to the Americans before it was too late, they might perhaps accept them: that at least it would be doing no more than justice required at our hands; that it would detach many of them from the Congress, and by dividing them, facilitate a conquest; that he could not wish to see them reduced to unconditional submission; which it was not more unjust to require, than impossible to force them to. He concluded by giving his hearty consent to the Amendment.

Lord *George Germain* informed the hon. gentleman who spoke last, that he had never deemed himself of so much consequence as he did at that moment; when he was told by the hon. gentleman, that the Americans declared their independence, because he came into office. The hon. gentleman was possessed of vast abilities, which he employed to render his measures not only contemptible, but criminal in the eyes of the House; that it was natural for him to feel himself hurt by the charges of the hon. gentleman, and that he hoped the House would indulge him with a little attention, while he endeavoured to wipe away the blot which the hon. gentleman had seemed anxious to fix upon his administration. He then begged leave to inform the gentleman, that before he came into office, he was asked by the noble lord near him (lord North) if he would support those sentiments in office he had before delivered in parliament; upon which he had desired to see their plan of operations, and finding them agreeable to his ideas, he declared he would, and would have no objection to serve his sovereign in place, with the same alacrity he did when out, as long as the system laid down was not inconsistent with the spirit of the constitution. For the truth of what he advanced he appealed to the noble lord.

For his part, he said, he could not see the shadow of a reason which could justify the assertion of the hon. gentleman, that affairs had grown worse since the management of them was committed to his hands. When his Majesty had honoured him with the post of secretary of state, the King's troops were besieged in Boston, Nova Scotia was in danger, and the Floridas threatened with an invasion by the Carolinians: in a word, even hope, at the time, seemed in some degree presumption; yet, to the honour of administration, and our commanders in America, he was happy to say, that the gloomy prospect had disappeared, and given place to the most promising scene of success. No official information, indeed, had been received from sir W. Howe; but from the private advices that had been brought to hand, there was every reason to conjecture that general Washington has received a check, and that general Howe was, most probably, now pursuing his blow and improving his advantage; and to this, he said, it was natural to attribute his silence.

With regard to the Canada expedition, the hon. gentleman was under a mistake when he imagined that general Burgoyne had orders to fight his way to New York, there to join sir W. Howe: that his orders to the former were to clear the country of rebels as far as Albany, which town was prescribed to him as the boundary of his expedition, unless circumstances might make it necessary to co-operate with general Howe, in which case he was to assist him to the utmost of his power. The operations of the campaigns, since he became a minister, had been wisely planned, and executed with no less spirit than judgment; and such were the measures pursued, that had it not been for the unforeseen misfortune at Trenton, there was every reason to believe that the last campaign would have been decisive.

The treaty with the Indians was grossly misrepresented, and sorry he was to say, that there had not been candour enough on the other side of the House, to acknow-

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ledge that government was driven to that measure by necessity. The Americans, it is well known, tampered with the Indians, and strained every nerve to induce them to take an active part against the King's friends; and the idea of treating for a neutrality, was never started, till the effort to make them take up the war hatchet had proved abortive. We at worst but copied the righteous and infallible Congress, but with more success. When general Burgoyne treated with the savages, he insisted that if they joined his forces, they should absolutely conform to his laws of subordination; and the Sachems, to whose commands the Indians are known to pay the most implicit obedience, gave the general the most positive assurances that their men would observe the strictest discipline. When a measure does not answer the expectation of the planner, after he has taken every possible precaution to ensure success, it must surely be unreasonable to blame men, merely for not being able to command events.

His lordship observed that the hon. gentleman had paid him a compliment, for which he was not bound to thank him, as he was thoroughly convinced it was not intended as such. It was plain the hon. gentleman was no enemy to the Americans, and his being so very strenuous for removing him from the direction of affairs seemed to indicate, that success would be more likely to attend the arms of the rebels, if he ceased to have the direction of affairs. The hon. gentleman had endeavoured to create a jealousy in the breast of the premier, but he was too well assured of his noble colleague's good sense, to be under any apprehensions on that head: as he came into office without desiring it, so he was ready to retire from it without regret, the moment that House should disapprove of his measures. His circumstances, he thanked Heaven, were such as not to force him to submit to any disgraceful terms, and to render the emoluments of a minister unnecessary to his subsistence. He knew he was responsible for his orders, and flattered himself he had never delivered any, which would dishonour him. He did not want the Americans to lay down their arms and submit unconditionally to the law of the conqueror; they might treat by individuals; nor were the commissioners without sufficient powers to act.

There was every reason, he declared, to hope for success in America. The Congress, by the great bounties offered for soldiers, shewed they were hard set to recruit their forces; the hardships the people actually suffered under their despotic tyrants, compared with the mild government they had withdrawn themselves from, and under which they had become so powerful, had nearly brought them to a sense of their error, and made them sick of rebellion. They boasted of liberty; but surely no one in his senses would say, that the shadow of liberty was to be found among men, where the smallest complaint against the established government was punished with imprisonment and confiscation of goods; where if a gentleman should say half as much against their usurped power, as had been said that night against the rulers of the nation, his life would be made to answer for his boldness. As the Amendment, if carried, would tend to keep up the spirit of independence, which had for some time past hurried away their reason, he should think himself an enemy to his country, if he should do otherwise than stamp it with his negative.

Colonel *Barré* shewed the necessity of sending out full powers to the commissioners, of presenting the olive branch to the Americans before they became utterly irreconcileable to Great Britain: he complained that his letters were opened by the orders of the ministers, and that no officer from America dared to speak to him, as he was looked upon as a proscribed person.

Mr. *Temple Luttrell* said, he had not an idea that any member who conscientiously fulfilled his duty to the public, could vote for the Address. That so unbecoming a courtesy to the crown, should never get the ascendant in his mind over that impulse of loyalty and true regard to the King, which prompted him to forewarn his sovereign of those imminent dangers which threatened both his realms, and his person, in case the present bloody measures of his ministers should at this conjuncture be pursued with so unrelenting a perseverance as the Speech from the throne seemed to threaten. He lamented that every session since he held a seat in that House, had been opened with a speech from the throne, which merited, in his humble opinion, very severe reprehensions from the delegates of a free people; for he was not so fortunate as to possess a seat in parliament, till the bright æra of the present reign was quite at an end. He had not the happiness to be seated among

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them, when his Majesty, contemplating the honour and glory in which he found this empire at the death of his royal grandfather, assured the Commons, that "the rights of all his subjects were as dear to him as any prerogative of the crown." For this assurance, he should undoubtedly have been among the first to vote an address of thanks. He was not among them, when his Majesty declared that it was "his determined purpose to countenance and encourage the practice of true religion and virtue;" that sensible of "our trade and commerce being the great source of national wealth, they should be the fixed object of his never-failing care and attention;" and when recounting the rapid and important victories which had attended the British arms in every quarter of the globe against a formidable foreign enemy, the minister of that day did so far justice to the benevolent feelings of his royal master, as to state those conquests transcendantly glorious, "because effected almost without any effusion of Christian blood." This was surely a speech from the throne, that merited the unanimous thanks of a British House of Commons. Sir, since I have been in parliament, I have heard no speeches from the throne, but such as have tended to deprive a great part of his Majesty's faithful subjects of their dearest rights, and unalienable liberties; to bring one half of his people unconditionally prostrate at the feet of the other half; such measures only as have "unconstitutionally and dangerously advanced the regal prerogative;" propositions and sentiments "subversive of true religion and virtue," and utterly destructive of the trade and commerce of this country. And, to complete all, the ministers who compose these speeches, and defile with them the royal lips, having, by diabolical machinations, kindled a most impious and horrid civil war, and from time to time thrown store of combustibles into the flames, recount the failure and disgrace of the British arms instead of conquest, and triumph in the effusion of native blood, and the massacre of thousands of his Majesty's subjects, as equally grateful to parliament, with the most heroic victories heretofore obtained over France and Spain. Such men, such principles, and such practices, shall never be treated of by me without the strongest terms of execration. The gentleman therefore, whoever he be, for I presume he is not out of hearing, who favoured me with a very polite, anonymous invitation to the Cockpit yesterday evening, will here receive my thanks for his kind intentions, and accept of my excuse for non-attendance. I, indeed, never go to the Cockpit at Whitehall, nor to any other cockpit; and when, upon an enquiry, I understood that none resorted to that cockpit, but such as were determined, at all events, to follow the standard of the present men in power, I took for granted (and have not been much deceived) that the speech and address there settled, would be fit only for a cockpit, in the original meaning of the word; that sort of theatre, so disgraceful to the humanity of Englishmen; a rendezvous for ruffians and black-legs, to disport with the lives of innocence, generosity, and valour. The cockpit was the place in which he should have judged the ministers to have learnt, that the most effectual way to put an end to the war, was by the tomahawks, and cannibal fury of the Quebec Indians. The worthy baronet who seconded the motion for an Address, presumes, that "every man will admit the supreme sovereignty of this country to be vested in the legislature;" but it seems the supreme sovereignty is now transferred in fact to the Cockpit, and we farcically meet here for no better purpose than to confirm and register the acts of that more august assembly.

The best criterion, I imagine, from whence we can judge of the real sense of parliament on the first day of the present session, is from considering what the sense of parliament was, respecting this horrible war, at the close of the session last year, when you, Sir, with proper dignity and firmness, having touched upon the very profuse sums which had been allowed by the Commons to the crown, for maintaining the American war, observed, they had been thus liberal, hoping that means would be found to stop the ravages of war, and the destruction of his Majesty's subjects, without which there was but too much reason to fear, that consequences would ensue ruinous to the prosperity, perhaps fatal to the safety of these kingdoms. Have such means been attempted, or thought of by ministers? Why, then, are we assured in the Speech, that every opportunity will be watched to make peace? And why does the minister in the blue ribbon now tell us, that every man in the nation wishes for peace? But, says the hon. member, who so ingeniously seconded the Address, however we may lightly

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touch on the original cause of the war, that is not now the subject in point, "we have come to a decision; the dye is cast," Here we are again brought back to that favourite passage of the Rubicon, and the *jacta est alea*; of a truth there is some justice in the comparison, between our ministers crossing the Atlantic, and Cæsar crossing the river Rubicon from Gaul; for though these ministers, considered as statesmen, or as commanders, are no more like Cæsar, than I to Hercules, yet did he, like them, take up the battle against the constitution of his country; and having rashly made the first decisive step, he saw no possibility of receding, without the loss of his credit and his offices, perhaps the forfeiture of his life; for his offences had been scarce less criminal than those of Cataline. What Cicero remarked of the march of Cæsar towards the capital of Italy, may also be well applied to our ministers: "He came well provided with every thing," says that celebrated orator, "excepting a good cause." But before I dismiss this transaction of the Rubicon, which is so favourite a trait of history with the leaders and over-rulers of administration, I would conjure them to deduce from thence one wholesome lesson, which is this: when Cæsar crossed the Rubicon, he yet proposed to the senate, to withdraw his army on certain very humble conditions; and the matter being agitated in the senate, Marcellus the consul, and the Patrician faction in general, held it unbecoming the dignity of the commonwealth, "to treat with rebels, having arms in their hands;" so they preserved their etiquette, and in the course of a very few days, paid for it with the total loss of their power, and the annihilation of the liberties of their country.

Mr. Luttrell then observed, that he much approved of the Amendment, but wished it to have gone somewhat farther, as the minister now positively declared, he would give up taxation, if such concession were likely to effectuate a peace. With great deference to better judgment, he should therefore presume that, after congratulations on the birth of a princess, he should wish to add, "humbly beseeching his Majesty, that it be an instruction to the commissioners in America to treat of preliminaries of peace, or a suspension of hostilities, as expediency may require, with any convention, congress, or other collective body, or with any person or persons which said commissioners shall find entrusted to convey the sentiments of one or more of the revolted provinces; and to assure his Majesty, that his faithful Commons, willing to go all justifiable lengths to prevent a further effusion of blood, and to avert the dreadful calamities which accumulate on this divided empire, are earnestly disposed, as a ground-work of conciliation and amity, to co-operate with the other branches of the legislature of Great Britain, in pledging the national faith, in the most explicit and sacred manner, that no taxes nor contributions whatever, should henceforward, at any time, be attempted to be levied on the colonies of North America, without the assent or concurrence of the immediate representatives of the said colonies respectively."

Mr. Luttrell asked if any country gentleman would now contend for taxation; if so, he should only say such country gentleman was fitter for St. Luke's than for St. Stephen's. He did firmly believe, if taxation were once given up, and that great minister, who early in the late war saved this country from utter ruin, invited again into office, with a lenient disposition, to heal those wounds our civil distractions had made on either side the Atlantic, and with talents and a spirit equal to so difficult a contest, if irremediably and unhappily necessary to continue it, this nation might yet be saved. We should then ascertain, whether the Americans, to a man, fight for nothing short of independence; and whether, as the hon. seconder so positively insisted, "the only road to peace is through the havoc and carnage of war;" for his part, clear he was, such a change of men and measures would divide the continental Congress and army into factions, and so far answer a wise purpose; but, at all events, he fairly owned, he thought any terms of reconciliation more eligible than an exterminating war; for he observed, that subjects, thus subjugated, could only be treated in one of the three following ways: you must better their condition, which he presumed nobody could suppose these ministers, with their scalping savages and German assassins, to have at all in their contemplation: if you refuse to better their condition, would you rule them by a military force? If you attempt it, you assuredly effectuate the third piece of policy, which is extermination; for, believe me, the American settlers will rather emigrate, by whole provinces, far as New Mexico or California, or even to those ice-bound

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islands lately discovered near the south pole, than submit to military power; and your best hope will be, to begin to colonize that vast and fertile continent quite anew, and for more auspicious ends, with your Hessian and Brunswick hirelings, who escape the conflict, and their fruitful trulls. Mr. Luttrell asked, if what the earl of Chatham had foreseen last season had not actually come to pass? He told you that the fair promises of the vernal season would surely end in autumnal disappointments. Mr. Luttrell then compared the conduct and catastrophe of general Burgoyne, at the head of the northern army in America, with that of Charles the Bold, duke of Burgundy, when he issued the most severe proclamations against the brave Switzers in the canton of Berne, looking upon them as already conquered; he carried with him chains to lead them captive at the feet of his cavalry, and he gave them notice, that he would cause to be erected the most stately monuments to his martial fame, in the very heart of their country. Sir, he fulfilled his promise: a monument they erected for him in the form of a charnel-house, filled with the skulls and skeletons of the invading army, which was totally overthrown through the intrepidity of the Swiss peasants near the town of Morat, and the victors furnished his monument with this emphatic inscription: "Carolus Burgundiæ dux inclitus hoc sui monumentum reliquit," &c. Mr. Luttrell said it was probably but in vain to hold up such bloody scenes, *in terrorem*, before the hardened authors and conductors of this unnatural quarrel; Mr. Speaker might as well put an hungry leech on the richest vein of his body, and counsel with it not to draw blood, as to talk with these contractors, pay-masters, treasurers, commissaries, and a long list of *et cetèras*, who traffic thus lucratively with the calamities of their country, to relinquish their hold, and confess their ambition and their rapacity satisfied. The minority therefore, of which he should certainly be one, had only to lament, that a sovereign, so moral and pious as ours now on the throne, so humane and so generous, so capable of governing a free people with honour, prosperity and renown, should already have sacrificed one half of his dominions, and desperately hazard the loss of the other, to cherish and aggrandize a more immoral and profligate, a more tyrannical and sanguinary, and in short, a more weak set of ministers, than ever tried the patience of the English nation, under the worst of the Stuart kings. The worthy baronet who supposed the navy of Great Britain, in our home ports, to be at present more formidable than the combined naval force of France and Spain, had been grossly misinformed; but he should reserve a discussion of that important business to a future day.

The House then divided on the Amendment:

Tellers.

Yeas	Mr. Fox - - - -	86
	Mr. Byng - - - -	
Noes	Mr. Charles Townshend	243
	Mr. Robinson - - -	

So it passed in the negative. After which the original Address was agreed to.

Nov. 21. Lord Hyde brought up the Report of the Address. On the motion, that it be read a second time,

Mr. *Turner* declared, that he could not agree with administration in their ideas of pursuing the present war. That he had, during the recess, taken the sense of his constituents, at one of their most general meetings at York, where he candidly asked them, whether it was their opinion that the war should be prosecuted? If it was, they had only to inform him so, and he would ever be ready to receive their instructions. However, their opinion was, that peace should be concluded at all events. He wished he had a piece of Latin to express his sentiments more fully; but, as it was, he begged leave to put a negative on the question.

Mr. *H. W. Hartley* objected to the question on the same principles, and intreated administration to seize the only moment they might ever have of stopping the calamities of this civil war.

Earl *Nugent* said, that the contest now was, not whether America should be dependent on the British parliament, but whether Great Britain or America should be independent? Both could not be so, for such would be the power of that vast continent across the Atlantic, that was her independence established, this island must expect to be made a dependent province.

General *Conway* took a wide range through the whole system of American politics; said he had been uniform in his opposition to the measures that occasioned the war, and should remain so in opposing those measures which led to a continuance of it. As to the minister's idea of the

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Americans laying down their arms in order to be treated with, it was the height of folly: for as a soldier himself, and bred to arms, suppose he was investing a town, the gates of which he found shut, and the walls manned, would not the proposition of "open the gates, and let me in, and then I'll treat with you," be received with the utmost astonishment and contempt? It was exactly the same, considered nationally. After condemning the use of the Indians, he concluded by declaring, before God and that assembly, that though the Americans might be culpable, yet, in his opinion, we were far more so.

The *Attorney General* admitted there was something like an argument in the general's investiture of a town; but would it not be equally ridiculous on the part of the forces without, to receive a similar proposal from those within the citadel? As to the use of the Indians, painful as such a service must be to every mind, necessity loudly demanded it; for in a contest of this nature, such is the nature of man, that every step is taken to annoy his enemy; but so far from this being the only barbarity of the present war, he had heard an hon. member boast of that enthusiasm of the rebels in Canada, who swore allegiance to the King, and then turned upon a detached party of col. St. Leger's, and cut them to pieces. The measure, he said, was advised by a noble lord (G. Germain) in the King's closet, and was approved of by the rest of administration, as an effectual means of subduing the rebels.

Sir *George Savile* dissented from the question, from the same motives that had hitherto occasioned him to vote against government on the American war: he said that the idea of convincing the Americans of their errors by their swords at their throats, put him in mind of a passage in Shakespeare, where lady Macbeth says,

"I will with wine and wassel so convince, &c."

That his mind was fully made up upon the grand point in dispute, and though on the arrival of the late joyful news he had seen Washington shot, and hanged in effigy in the country where he had been, which made him believe the present measures had their advocates also out of doors, yet he would express his detestation of them, and wished, but for the honour of his friends, that his protest could stand single and alone upon the Journals of the House.

Mr. *Adam* spoke next, upon the old ground in general, in defence of government, till he came to the matter of treaty with the rebels while in arms, to bring them back to dependence: when he begged them to consider the case of Oliver Cromwell, and ask themselves, if he had been informed that matters were accommodated between the prince and parliament, whether he would have gone back to dependence? Certainly not. After paying Mr. Fox a compliment on the exercise of his talents, when he avoided personalities, he concluded by giving his hearty concurrence to the question.

Mr. *Fox* defended himself, and insisted upon it, that so long as the freedom of debate remained, his arraigning the public conduct of a minister could never be deemed personal; that he had attacked the only man responsible, the secretary of state for American affairs, though he attempted to screen himself, by saying, he was only one of the ministers who advised the measure, for in the conduct of the last glorious war, who was responsible but lord Chatham? Would the duke of Newcastle, Mr. Legge, or the chancellor, have been called to an account for the consequence of mismanagement or ill-successes? No! none but Mr. Pitt, the then secretary of state for the southern department. He thanked the gentleman who spoke last, for the compliment he intended him, and, in return, assured him he had more wit than Lucian or Swift, in bringing those opposites into the same point of view, which Mr. Addison calls the test of wit. He ridiculed his historical proof of Cromwell, in inferring he would not have done a thing, because he had not done it. After this he replied to some of the Attorney General's arguments, clearing some mistakes respecting his account of the enthusiasm of the treacherous rebels in Canada, and then sat down after dissenting from the question.

The *Solicitor General* declared the object of the war was peace, and every man in Britain, he was sensible, wished for that. It was not the aim of administration to procure it, by the unconditional submission of America. Their aim was, primarily to oblige them to lay down their arms, and then to treat of condition. Not a hundredth part of America was in arms. To those armed, however, it was necessary to talk with arms. The honour of Britain required that they should submit without condition. He inveighed against the bitterness of the invective that marked the modern oratory of the House, and wished they would learn the art of glossing it over

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with meekness and ingenuity, and make it at least more palatable.

Mr. *Burke* expressed no surprise that a gentleman, so conversant with the art of meek evasion and gentle simulation, should wish to introduce such new fashioned rhetoric; and yet he remembered the time when a gentleman, of nearly his appearance, dealt in as bare-faced invective, as language could compose, and that too against a noble lord, now his best and closest friend. He praised the gentleman's humanity for first cutting the throats of the Americans, and then wishing to truck up a conditional peace; and paid particular regard to an argument he had used, "that he knew the Americans had as far back as 1762 aimed at independence, as a Mr. Morris had told him so." Then, with manly emphasis, he asked, if that was known; if the ministry were apprized of that; then they were guilty of baseness, deceit, and cruelty, in sending a few loose troops, avowedly to quell a puny riot.

The House then divided on the question, That the Address be read a second time:

Tellers.

YEAS	Lord Adam Gordon - Sir Grey Cooper - -	174
NOES	Lord John Cavendish - Mr. Baker - - - -	47

So it was resolved in the affirmative.

The King's Answer to the Commons' Address.] To the said Address his Majesty returned the following Answer:

"Gentlemen;

"I return you my hearty thanks for this dutiful Address.—The affectionate part you take in the happy recovery of the Queen, and the increase of my family, is highly acceptable to me.—The steady and zealous support of my faithful Commons, will, I trust in God, enable me to put an end to this unhappy rebellion. Whatever strength you shall place in my hands, shall be employed only for the good of my people, and the welfare of my kingdoms; and be assured, that I wish for success in this great national cause for no other purpose but that it may enable me to restore peace and happiness to all my subjects."

Debate in the Commons on the Navy Estimates.] Nov. 26. In the Committee of Supply,

Mr. *Buller* moved, that 60,000 men be employed for the sea service, for the year 1778, including 11,829 marines. The number of ships of war to be employed was 263. In the Mediterranean two 4th rates, two 6th rates, two sloops, and 1,200 seamen—

The *Attorney General* here said, it would be very improper to let our enemies know our particular weakness or strength; that if a rupture should happen, it would disclose our whole plan of military enterprize; and would instruct our enemies, if they entertained any hostile intentions, to assail us in the weakest part. So many vessels, of so many guns and so many men, stationed here; and so many more there; what was that, but plainly pointing out the very secrets which are of most importance, and constitute the very soul of military enterprize?

Colonel *Barré* complained that the House should be called upon to vote a supply so great, without official information, respecting the present strength of the navy. He thought parliament had a right to know, as well what they were voting for, as that they were voting. The gentleman was proceeding to satisfy the House; but was stopped just as he had informed the committee that we had 263 ships and vessels of war. The learned gentleman was partly right, if he dreaded any information coming out which might be injurious to the nation; not but he was justified in having the question answered in the very terms the hon. gentleman in office seemed ready and willing to do. He was authorised to say, such a procedure was contrary to the usage of parliament; and trusted, however compliant the House was upon every matter relative to the American war, it would never endure such a refusal, without properly animadverting upon it. He observed, that the very same gentleman, who was now interrupted in his detail, had uniformly heretofore given it, whenever desired; and he remembered that king William, with a magnanimity that does his memory honour, in one of his speeches to that House, speaking of a naval expedition to the coast of France, which miscarried, so far from concealing his intentions, promised that he would make a similar attempt the very next year.

The *Attorney General* said there might be policy in that; that he did not wish to hold back any information, consistent with the safety of the motion. He acknowledged his own ignorance of such affairs,

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and he only took it up as a matter of state; nor had he any objection whatever to the hon. gentleman in office proceeding as he thought proper; but, by what had fallen from the gentleman who pressed the detail, he understood that the distribution only was what he sought.

Mr. *Burke* remarked, with great severity, upon the attempts now made to hold back every thing which had the least appearance of information.

Lord *Mulgrave* supported the objection of his learned friend. He treated the conduct of king William as a conduct not at all applying to the present subject-matter of debate. He said the magnanimity and candour attributed to that monarch was the effect of policy, not of magnanimity; it was done, most probably, to mislead his enemies, not to put them on their guard, and into a state of preparation. He said, to be sure it was a matter of no consequence. The French are well acquainted with our force, and its particular distribution: he was glad they knew it: he believed it was the best security for a continuance of their pacific dispositions.

Mr. *Temple Luttrell* began by observing that his Majesty, in the Speech from the throne, the first day of the session, had informed parliament, "that he had thought it advisable to make a considerable augmentation to the naval force;" and the Commons, in their Address thereupon, "acknowledge, with equal gratitude, his Majesty's attention to the security of his kingdoms, and the protection of the extensive commerce of his subjects, in his having made a considerable augmentation to his naval force, on which the reputation and importance of this realm must ever principally depend." He did not find this augmentation of the naval force particularly noticed in the Address of the other House; he hoped and expected some one man belonging to the group of ministers facing him would rise up and shew to the House what considerable augmentation had actually been made in the royal fleet; carrying, at the same time, in his recollection, that 45,000 men, including marines, had been voted above a twelvemonth ago, and paid for by the nation, at the rate of 4*l.* per month each man, ever since the 1st of January, 1777. He presumed, that to convey the empty hulls of ships, without any essential article of military equipment, a few miles down a river, or into a dock, or along-side any of the royal yards, could with as little propriety be deemed a considerable augmentation of force, as the removal of 10 or 12,000 stand of arms from the Tower to Whitehall, if his Majesty had no prospect of being able to raise the men who were to use them. Till within these sixty or seventy years last past, it was the uniform business of parliament to specify the rates of the ships of war to be employed, and the number of vessels of each distinct rate. Now, indeed, that part of the naval arrangement was entrusted wholly to the executive power of the state: yet, to commission men of war for a costly, useless parade, when they could not possibly be sent to sea, was highly reprehensible in the ministers for our marine department. By his calculation, the seamen and marines employed at this time in the naval service, scarcely exceed the 45,000 provided by parliament for the service of the current year; and he was sure it would be demonstrated, by the returns lately moved for, that at Midsummer-day last they were fewer by many thousands than the number for which the nation had been charged. The fleet in America might possibly muster about 14,000 men, and he would allow between 5 and 6,000 more for the East and West Indies, Mediterranean station, discoveries in the South seas, &c. Are there considerable more than 26,000 men now employed at home for the defence of this country? If not, explain to parliament what is meant by the naval augmentation so much applauded by the House of Commons.

He had found, upon a thorough and candid investigation of the subject, that our present ministers for the important department of the navy, who commenced their boasted administration in error, prejudices and shameful prostitutions, continued it to this very hour on principles of obstinacy, extravagance and deceit. He would not trouble the House with a tedious detail of trifling complaints, but endeavour to make some material observations upon the constructing, arming, manning and stationing the ships and vessels of the royal navy now in commission. The first article, which took in the materials for ship-building, he should say very little to at present; it would require a day of consideration entirely to itself; and unless some better method for seasoning and preserving ship-timber was speedily found out, notwithstanding the illiberal reflections that had been repeatedly cast on the noble earl's predecessor in office for not having

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been more successful in his attention to this object, he would venture to predict that the men of war built within these last seven years would scarce be longer lived than those built by lord Hawke, although the very advanced expence which had been allowed to the present board for timber went far beyond all former precedents.

The Staten oak, for which the Admiralty seems to have a very strong partiality, and which, by very intelligent persons, has been often proved not to answer the purposes to which they have applied it, is yet in use: ships of the larger class have been repaired with that oak, and it has failed. I am credibly informed that the Mars, of 74 guns, found this timber so spungy and unserviceable that, while riding at anchor in the Downs, she was under the necessity of quoining, or wedging her guns, to prevent the bolts from drawing out; and where the Staten wood has been introduced to plank the decks of ships of war, the rain has, in bad weather, penetrated through its pores and crevices, and sometimes only on washing the decks, the water has dript in, even to the hammocks in which the seamen sleep.

With respect to arming your fleet, when the House shall examine into the government contracts for armed vessels, this subject may, with propriety, be more dwelt upon. I shall just now express my satisfaction, however, that the contract for Scotch cannon is at an end; and those cannon are at length ordered to be converted into shot. Perhaps, in the country where they are made, people know a secret for firing them without bursting: with us, they have only served to kill our own sailors, whose ill fate it has been to be quartered at them. The manning of the royal navy is the grand point now immediately under your consideration. After every exertion for two years, by bounties and lure of American captures, to find seamen enough for the establishments voted by parliament, an impress was held necessary. When a very illustrious sea-commander presided at the Admiralty, in 1770, between the September in that year, and the beginning of February following, there were completely equipped and manned for war 35 ships of the line. In 1755, when lord Anson presided at the board, our impress was rather more expeditious in its effects, or America had been long ago an appendage to France.

Your bounties procure few good seamen; your press-warrants, though enormously expensive, fewer still; while great numbers are daily deserting from your ships and hospitals, to commit robberies and murders in the interior counties; and this must ever be the case, where men are kidnapped into a way of life they are perhaps totally unfit for, or with which they become disgusted. Neither humanity in the commanders of your men of war, nor a withholding of any arrear of pay, can tie them down to a continuance aboard beyond the first fair opportunity of escaping. I am assured that 50 have lately deserted from the Monarch while in dock, 40 from the Hector, and 25 from the Worcester; six of these are confined at Winchester for felonies, and there are two committed to Exeter gaol on a charge of murder.

We have been confidently assured by the noble lord at the head of the Admiralty, that there are 35 ships of the line, with their full war complements, ready to put to sea. Notwithstanding the stamp of such high credit and dignity, I will defy the gentlemen of the Admiralty who hear me, to produce a list of 20 ships of the line out of the 35, fit to put to sea, with their war establishment aboard. You have 42 of the line, we are told, in commission; that seven of these being lately taken in hand, have but very few seamen; that the aforesaid 35, have 18,173. Now, Sir, your six men of war out of the 35 carrying 90 guns, two men of war of 80, and twenty of 74 guns each, dispose entirely of the aforesaid number, allowing but their very lowest war-complement. That the Ardent, Bedford and other ships are well-manned, I readily admit; but what is the strength, or rather weakness, of the Resolution, Terrible, and half a score of the rest? Let us consider the state of the Worcester, a ship which has been many years in commission, and I suppose was as well equipped for service as the others, or she would scarcely have been chosen to go abroad last summer with the governor of Gibraltar. Being a 64 gun ship, she ought to have had 500 men, yet she sailed with but 387, and she could never have been manœuvred, had she not quartered and guarded her American prisoners; only eight men properly qualified to do duty on the forecastle could be found, out of her whole crew, for each watch; and when she returned home with general Boyd, 107 were sent to the hospital. I am well assured, that of the remainder

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about 100 were fitter for Greenwich hospital than for duty. This Worcester man of war employed the Sweepstakes tender, at a charge of between 6 and 700*l.* per ann. to impress hands, and after two cruizes in the channel got one man only.

We are, however, comforted with an assurance from government, that the British fleet is far more powerful in its present condition than the combined naval force of the House of Bourbon. I think the salvation of this empire depends upon our soon finding the means to render it so; but I am confident it cannot be done by the present commissioners of the Admiralty with their press-warrants, and never-ending servitude. Is it to be supposed that the ministers of Paris, or the American plenipotentiaries at the French court, are ignorant of the real state of your navy? Or that these official impositions fabricated near Whitehall, have any better operation than the deluding and lulling into a fatal security the infatuated part of our own fellow subjects? Believe me, Sir, it can never be. The Spaniards at the port of Carthagena are able to send out, within three weeks, 12 or 13 sail of the line of battle, at Cadiz 14 or 15 sail, and at least 8 or 9 at Ferrol. The French at Toulon might furnish 14 or 15, and at Brest and Rochfort 17 or 18 ships of the line. Now, should the courts of Madrid and Versailles chuse to detach combined squadrons to the East and West Indies from their Mediterranean departments, and keep their men of war in the ports of the Bay of Biscay, ready prepared for home and channel service, and just in the neighbourhood of these islands, dare you with that formidable land-army, which the French have on the coasts of Normandy, Picardy, and French Flanders, while Great Britain and Ireland are utterly defenceless as to land-troops. Dare you, I say, attempt to send out a naval armament sufficient to protect your islands and settlements abroad, to secure your trade, to save lord Howe's fleet of frigates and small craft, to cover Gibraltar and Mahon, and at the same time to cruize against the commerce of the enemy? You know it is impossible. Great Britain, united with America, is, I admit, more than a match at sea for the French and Spaniards joined together; but, with your American colonies allied to those powers, we must, with all the heroism of our officers and seamen, inevitably be crushed in the conflict.

Suppose you have, at this moment, for the protection of these realms, 26,000 men actually employed, deduct the commission and warrant officers, marines, servants, carpenters and gunners crews, widows-men, &c. how many will remain? Perhaps about 4,500 able and 4,500 ordinary seamen. That part of your crews properly called landsmen may be 6,000 in addition, and the major part under the last denomination are but poor wretches indeed! A word to the lenity of the impress: was it not exerted with such rigour on the river Thames, and its neighbourhood, that your outward bound autumnal fleets have been in general cruelly distressed for want of hands? In some of the distant and inland parts even landsmen have not been spared; eight were pressed out of an harvest field in the west of England, not one of which had ever used the sea. Will any prerogative lawyer in the House maintain the legality of such an act as this? Is there a scalping, tomahawking advocate of the present bloody-minded men in office facing me, that will declare such executions of the impress-warrants to be justified on any principle of our law and constitution, or even by that old supplemental plea of a pretended state-necessity? We have seen third-rate men of war cruizing in the chops of the channel and Irish seas, while convoys of 100 sail and upwards have been protected only by small sloops and armed merchantmen.

After what I have said, I would not be supposed to give my negative to an augmentation of the naval force; we must have a much stronger fleet, or the nation will tremble for its existence. But, Sir, there will, in the course of the winter and spring months, be a very large deficiency to supply, occasioned by deaths, desertions, and natural infirmities. Begin by completing your numbers, if practicable, to 55,000; let the nation pay for no more till these are *bonâ fide* in your employ; it will be then time enough, if the councils of state, from the complexion of foreign politics, shall find it requisite, to add 6,000 more, and complete the establishment to 60,000. But, Sir, I should think it atrociously improvident in us now to vote supplies for paying 60,000 men at 4*l.* per month; the said allowance to government fully to commence from the 1st Jan. 1778. I am at present for a supply equal to 50,000 men only, at the utmost.

Mr. *Buller* understood that the gentlemen on the other side seemed contented with the distribution only, and the gross

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numbers of men. He said, there were one fourth rate, two fifth rates, four sixth rates, six sloops, and two schooners, at Jamaica; and one fourth rate, and four sloops, on their way thither, in all 23 vessels, manned by 3,100 seamen and marines. That at the Leeward islands, there were eight vessels, and 1,200 men; that on discoveries, there were two vessels, and 480 men; that in America under lord Howe, there were 93 ships, six of the line, and 87 frigates, &c. and 17,685 men: at Newfoundland 10 vessels and 1,345 seamen, and that there were at home, 42 ships of the line, 35 of which were completely manned, and 32,397 seamen; and that our whole naval force consisted of 54 ships of the line, all manned but seven, and 205 frigates, &c. and 53,872 men, marines included.

Mr. *Bayly* was surprised to hear the hon. gentleman assert, that there were 18 men of war on the Jamaica station, and five others on their passage thither, containing 3,100 seamen; when by the latest advices from thence, he was informed that the inhabitants had applied to the admiral for a convoy, who replied he could not then grant one, on account of the weak situation of his squadron; nor could he fix any time for doing it, until he was reinforced with more ships from England; and as to the five which were said to be on their passage to Jamaica, not one of them had yet left Portsmouth. The fact was, that there were only five or six vessels of war on the Jamaica station, and which were all sloops of very small force, except the Antelope and one frigate; so that to judge of the state of the navy from the hon. gentleman's exaggerated account of the Jamaica station, must give the House a melancholy idea of it. He called on the hon. gentleman to mention the names of those 23 men of war, and said, that he would, on any day, prove there were not half the number; and so sure he was of it, from the many accounts he had received, that he was ready to lay Mr. Buller 23 guineas, or 2,300, that he could not prove half the number of vessels of war to be on that station; or that those that were there contained half the 3,100 men; and his reason, he said, for proposing such a wager was, that he thought the loss would be a just punishment upon him who was guilty of the wrong assertion.

Mr. *Buller* entered more fully into detail, relative to the home defence. As to the deficiencies, he presumed there were none; but if there were, the present mode of informing the House differed in nothing from what was usual. Instead of a deficiency, there were now on the books 9,000 men more than the vote of the last session provided for; and 10,000 at the beginning of the year; and in September last 54,000 instead of 45,000: and so far from the nine months press being ineffectual, and not producing more than 3 or 4,000, it actually produced upwards of 15,000 men.

Sir *Hugh Palliser* affirmed, as an officer and an official man, that we had 35 ships of the line; and were an overmatch both for the present, and in point of preparation, for the united power of the House of Bourbon. He attacked Mr. Luttrell on his account of the Spanish navy, charging him with ignorance of the subject, and said, if the hon. gentleman's assertions were founded in truth, that we had no more than 20 men of war of the line actually ready to face an enemy, he need not have employed so much time to prove, that France and Spain meant to attack us; for the fact would be, that they would have already done it.

Lord *Mulgrave*, as a proof of the injudicious conduct of the French and Spaniards, and how much our mode of pressing was superior to their registers, said, that no merchantmen from any port of France or Spain could be fitted out or procure hands, but by the permission of government. The captains or masters were obliged to apply to the Bureau, an office or board somewhat answering to the description of our Custom-house; there they received not such hands as they chose, or knew were able seamen, but such as the Bureau pleased; the seamen being all retained by the king, who generally took care to keep the most skilful. He informed the House of a particular fact, which came within his own knowledge, when out on his last cruize. He met with a French trading vessel in imminent distress; he gave her all the assistance in his power, without which she must have perished. After she had been set to rights, the master came aboard him, and he asked him how it happened, when he had 32 men aboard, that he came through mere want of skill and ability to be driven to such straights? "Because" replied the Frenchman, "I have had my hands from the Bureau, who gave me the very refuse, and kept all the good seamen for the use of the royal navy." Indeed, the truth is,

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that every man there, if the expression may be allowed, is pressed in his mother's womb; maritime districts within a certain distance of the coast, are subject to the regulations of the register; and the inhabitants are enrolled, and liable to be called upon, when fit for service, to go aboard the king's ships. His lordship besides contended, that the 35 of the line were much superior to the whole naval force the House of Bourbon were able to send forth, at any short notice; that though they had many able sea-officers, who in the beginning exerted themselves, at length it always was, and always would be the case, that they must give way to our superior skill and naval power. They had frequently the advantage in the beginning, but in the progress of their naval operations, proved always unequal.

He complained of the infidelity of the hon. gentleman who spoke so fully on the subject; and said, it put him in mind of the Sceptic philosopher, who denied the existence of motion, at the moment he got up and walked across the room. He censured Mr. Luttrell's not mentioning the officer of the press-gang who took the landsmen. With regard to the rottenness of the ships, the fact had now no existence; indeed, when it was found necessary to arm about six or seven years ago, several ships, which had been built at the close of the last war on a violent emergency, were found decaying; but this had long ago been rectified; and he averred, that the hon. member might go through Europe, and not see 35 ships of the line in all their ports by any means equal to those now mentioned. As to the French, he had no doubt individually they would do every thing men ought to do; but France, as a maritime country, was in every respect despicable with respect to this; that, to be sure, its early efforts were seasonable and spirited, but afterwards it gradually fell off, till its maritime force dwindled into nothing; whereas this country grew progressively stronger, and he trusted, would ever bid defiance to any naval power that should oppose it.

The hon. member had first decried the severity of naval commanders, as the cause of frequent desertion; and, in the same breath, complained of a great desertion, caused by the indulgence of a commander, in giving his men liberty to go on shore; though no name had been mentioned, his lordship said, the person alluded to (for he hated charges without names) was captain Rowley, of the Monarch, a humane, good officer, who did not choose to make his crew slaves; and that the desertion complained of produced a good effect: the health of the rest was preserved by it, as the service was freed from a number of men not to be depended on. As to impressing the harvest-men, they were perhaps seamen; if they were not, there was a remedy for them at law. He hated to make a charge, and conceal the name of the offender. It was transferring the imputation from particulars to generals, by a new mode of logic—a sea officer had committed an offence—a sea officer is any sea officer—any sea officer is every sea officer, *ergo*, the whole navy is guilty of the charge imputed to an individual amongst them. This single argument will serve as an instance of the hon. gentleman's mode of reasoning.

Mr. *Temple Luttrell* answered the last noble lord with great asperity; spoke much of insolence and indecency; and said, he could always find his way to and from the House direct; and if any thing improper, or which required explanation, had fallen from him, or should hereafter escape him, he was always to be found, and ready to be responsible for it. He was liable to error as well as other men; but never asserted any thing which he did not believe to be true. He observed, that the noble lord was as fat and merry as he was zealous. He could easily account for his zeal, from his connections with the first lord of the Admiralty; but after every thing the noble lord asserted to the contrary, he defied any official man to rise and say, that the whole of our seamen appointed to the manning of the line of battle ships, would furnish, for actual service, twenty men of war of the line with the proper war complement. He charged the noble lord with great disingenuity, in misrepresenting what he said, relative to the desertion of the men from aboard the Monarch, the Hector, and the Worcester. As to the Monarch, the right hon. member had endeavoured to stretch a relation of a mere matter of fact, to an imputed censure of the commander, captain Rowley. He never meant any such thing; he was as ready to give that worthy officer credit for his humanity as the noble lord; but he mentioned it only to shew the dislike to the service which prevailed, and the great want of men in consequence of that dislike.

Mr. *James Luttrell* rose, to defend his brother on a point of seamanship, which

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lord Mulgrave had brought no argument against, but with a laugh treated as ridiculously erroneous, and fitter for a landsman than a seaman to have expressed. He stated the fact as related by his brother, and then defied the noble lord as a seaman and an officer, to say it was erroneous; that on the contrary, it was a proof that his hon. relation was circumstantially informed of the facts he had asserted, and was willing to satisfy officers in the House as well as other representatives, that he spoke from indisputable information, observing, that cannon which were only secure when quoined down, were unfit for action, as in all engagements they must depend on the security of the ring-bolts and soundness of the timber which held them, and if they proved defective it was no laughable matter: but he attributed the pleasantry which the House had joined the noble lord in, to ignorance of the subterfuge his lordship had availed himself of, when evading grounds of argument, he depended on the credit of the uniform he wore, as of sufficient weight to contradict ever such home truths when brought by a landsman in charge against the management of the navy.

Lord *Mulgrave* disclaimed any intention of misrepresenting the hon. gentleman's relation's words, or of taking any advantage of his ignorance of naval affairs; and, besides, gave the fullest and most willing testimony to the professional merit and abilities of the gentleman who last spoke.

Mr. *Adam* rose to justify the Scotch cannon from the calumny that had been thrown upon it; said he was a proprietor of the foundery, that though an accident had happened, and their pieces were refused here, they now served most states abroad with them, and gave such satisfaction as he hoped would enable them to regain their credit with the British ordnance.

Mr. *T. Townshend* objected to the motion, on the simple principle that it was in support of a war that he detested and abhorred. He then launched into a review of the conduct of administration respecting the censure they threw during the last summer, on the officers commanding in America; he vindicated the conduct of sir Guy Carleton; said he had been dishonourably superseded; that he knew the worth of that great and gallant officer; that general Wolfe, previous to his embarking for Quebec, expressed his happiness to him (Mr. Townshend) in having so able a man as Mr. Carleton his quartermaster general; adding, "If he should fall, I wish not to survive him." He blamed the object of the war, as well as the mode of prosecuting it, and declared, he would not vote a man towards the carrying on so unjust and impolitic a war by so weak an administration. He said much in praise of the officers commanding our forces in America, and censured ministry for treating their conduct slightingly for some months past, by causing them to be censured by their writers in the public prints, or, at least, conniving at such unmerited slander. He insisted, that in case France should break with us, we should have not only every branch of the House of Bourbon to contend with, but likewise Portugal, and be at the same time stripped of every ally. I ask the noble lord, if in case of a rupture with France, we shall have a single port from Embden in the king of Prussia's dominions, to Gibraltar, open to us? Is Holland friendly? Is not Portugal in alliance with France and Spain? In fine, in such an event, which I venture to affirm is more than probable, have we a single friend, but the powerful states of Anspach, Waldeck, and those several formidable allies who have furnished us with troops; who have sold us blood in return for our money!

Mr. *Burke* rose, and taking a retrospective view of the greatest wars which Great Britain had to sustain during and since the reign of Lewis the 14th, shewed the House, that they were then about to vote such a naval supply when in a state of peace with every independent nation in the world, as was scarce to be equalled in times when they were at war with almost every power in Europe. When France, said he, had equipped the famous armament from La Hogue, we then had not a greater number of seamen in pay, marines, Greenwich-men, &c. included, than 33,000, which cost us 1,900,000*l.* In 1704, the fourth year of queen Anne's war, the same number of men were voted, which cost but 1,200,000*l.* In 1747, the fourth year of the war with the united powers of France and Spain, we had 40,000 at an expence of something more than 3,000,000*l.* and in the glorious year 1758, the naval establishment did not exceed by a single man, 60,000; and the whole expence attending them, including a large debt of a million, naval ordnance, stores, and 4*l.* a month per man, amounted only to 5,200,000*l.* whereas the peace establish-

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ment of the navy for 1778 will amount to upwards of 5,000,000*l*. This, said he, is an expence very little inferior to what we should be obliged to incur were we at war with the whole House of Bourbon, and all the maritime states of Europe. He observed, that France, merely by arming, caused as great a diversion in favour of America, as if she had absolutely declared war: for she obliged us to keep 42 sail of the line in commission at home, exclusive of the vast armament under lord Howe. He asked what alliances we had formed to support us in case of a rupture with the Bourbons: he reprobated the contract with the princelings of Germany as mean and humiliating, and expressed his astonishment that the ministers had condescended to the indignity of courting the alliance of a few traders in human flesh. There is, said he, an alliance which they ought to make, let the price of it be what it will; and that is, an alliance with America; the first fruit of this alliance will be a saving of 100 sail of men of war, and 55,000 soldiers, which you may immediately call home to your assistance, if you have a war to sustain against any European power. He expressed his dread, that Portugal was lost to us as an ally; that we had little to expect from Holland; and that there was not now a port from Dunkirk to Gibraltar, which would admit a British ship, if pursued by an enemy. He mentioned the affront put upon sir Guy Carleton, and the illiberal abuse thrown out against the Howes by the runners of administration. If ministers did not speak out directly in terms of abuse of those able and injured officers, it was well known they heartily approved of it. It furnished during the whole summer, the standing topic of conversation at their tables. Those who had the honour to be admitted there repeated the language they heard as a part of their duty; and it was evident by the general tenor of the news-papers for some time past, which teemed with the most scandalous abuse of those brave men, who were now exerting every nerve in the faithful performance of their duty, that persons were hired and encouraged to propagate the most scandalous falshoods, both in writing and discourse, of both lord Howe and his brother, in order to shift the blame off their patrons' and employers' shoulders.

Lord *North* said, he knew of no reason, nor had the least to suspect, that we should lose the alliance of Portugal or Holland. As to the first, we had now a man of war in the harbour of Lisbon; and though the court of Lisbon had settled their differences with that of Madrid, on the subject of the rights of each crown in the Brazils, he knew of no further agreement or compact between them. As to Holland, the Dutch had but one object, which was commerce; this they would carry on as a neutral power, and supply the parties at war with ammunition. They have done so at all times; remonstrances had been made against their supplying the Americans, and some of their ships had been seized; but still he had no apprehension that the court at the Hague would relax in their old friendship and alliance with Great Britain. His lordship then explained himself upon subsidies; he denied that he had ever declared against all subsidies; he had ever looked upon the subsidies granted to foreign princes in time of peace, as a retaining fee to keep their alliance in time of war as highly disadvantageous, because those princes, after receiving the money, regulated their conduct by the political situation of affairs; but the present subsidies were highly advantageous, as they supplied us with troops upon an emergency on cheaper terms than we could raise them any other way.—His lordship then exculpated himself from having ill used general Carleton: he bestowed the highest encomiums on his abilities, and said there were particular reasons why he recommended it to the King not to take the supreme command from sir W. Howe, though general Carleton was the senior officer: he was sure the general would not complain of it when he came home, and he should assign his reasons to him, though he could not to the House.—A remark having been made of reflections thrown out in the news-papers against public characters, lord North said he knew nothing of them, only that they were no friends of his; for in the whole circle of the papers he was daily abused, but he despised it. His lordship expressed his contempt of news-paper abuse, in the most energetic terms. He wished a stop could be put to such infamous publications. No man held them in greater abhorrence, particularly those alluded to, not that he could ever believe, that administration, or any individual of it, had a hand in them. A set of persons were employed by the printers, who would write or say any thing for hire; and unless it could be proved, that they

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were hired by administration, he thought it extremely unfair, to lay their calumnies at the door of those, who were totally innocent of the charge. It had been said, that those calumnies were propagated by persons, who dined and conversed with ministers. He could answer, so far as the charge could be supposed to affect him, it was false; and if he knew of any person who frequented his table, and repeated what he heard, much more, what he did not hear there, he would take care he should never again be furnished with a like pretence.

Mr. *Fox* insisted, that the resources of the nation, however great, could never answer the vast expences we must always undergo, if we are obliged to follow the example of France, and fit out fleets whenever she thinks proper to arm. There was a time, when a British ministry would insist, that the enemies of their country should first disarm, before they laid up their ships; that time, however, was no more; and the faithful page of history would hand down to posterity, the pusillanimity of a minister, who consented to set Spain the example of disarming; though the honour of the navy, and consequently of the nation, had been violated, when the rudder of an English man of war was forcibly taken from her at Port Egmont. He said, the minister, by not bringing the printers of the abuse against the Howes to justice, gave reason to think that he approved of it; that the publisher of an advertisement relative to a charity, was pursued with the utmost rigour, whilst the defamers of our generals and commanders were suffered to go unpunished.

The Resolution was then agreed to.

Debate in the Commons on the Bill for suspending the Habeas Corpus Act.] Nov. 26. The *Attorney General* observed, that an Act passed in the last session, intitled, "An Act to impower his Majesty to secure and detain persons charged with, or suspected of, the crime of high treason, committed in any of his Majesty's colonies or plantations in America, or on the high seas, or the crime of piracy," would expire on the 1st of January, 1778: that the same cause which made the law at first necessary still continued; namely, the rebellion in America; and that he therefore meant now to move for leave to bring in a Bill for the further continuance of the said Act for a limited time.

Mr. *Baker* said, that the law now proposed to be further continued must have had some object in view when it was passed. It was with great reluctance he would at any time consent to the suspension of the Habeas Corpus Act, that great security of public freedom and personal liberty. There were circumstances, however, in seasons of great national danger, which had called for the particular interference of the legislature, and might again justify such suspension. He never thought the proposed Bill intitled to any such public, or parliamentary sanction; yet, if it were, experience must be the best proof whether those appearances were well founded. On this ground, therefore, he should be glad to know from the hon. and learned mover, in what instances the powers, which had now for full nine months been delegated, were exercised, and what were the evils they prevented or remedied? If none could be stated, in his opinion, it would be equally wanton and unnecessary to continue them, and be a dangerous precedent in time to come.

Mr. *Burke* coincided with his hon. friend in his general reasoning, and further observed, that the Bill was of the most extraordinary texture; nor were its operations, if they could be called by that appellation, less so. Here is a Bill, which is to operate in every part of the British empire, against pirates, or persons suspected of treason. Your generals on the other side of the Atlantic have established a public cartel, such as is agreed to, with an alien enemy, for the exchange of prisoners. It is no general light surmise or loose assertion; we find your commanders actually pressing Mr. Washington to a faithful performance of this cartel: we are informed of a correspondence between a Mr. Hutchinson, lord Cornwallis, Mr. Washington, &c. in which the true spirit of the cartel is controverted; but not its existence, nor a professed unwillingness on either side, to comply with it. What do we behold on the other? I do not wish to state facts from general reports, if I am wrong, I trust the learned gentleman will set me right. Why, a direct contrary conduct in Europe; lord Stormont, his Majesty's minister at the French court, giving a very lofty answer to the American delegates residing there. He tells them, when they propose a similar cartel to that settled in America, in Europe, and an exchange of prisoners in consequence of it, "I never treat with rebels, unless to re-

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ceive submission." I do not find fault with this answer; it was becoming the representative of a great nation; but I mention it only to shew the inconsistency of administration; or at least their divided opinions and conduct upon the same subject. Is rebellion in Europe different in its nature from what it is in America? Are our subjects in America, taken with arms in their hands, the last stage of resistance to the civil power, to be treated as fair, open, alien enemies? and is the mere suspicion of the same crime in Europe to be treated with all the rigour due to acts of the most deliberate and inveterate treason? I suspect this Bill is only to save appearances. Has any man been brought to judgment? Has any man been convicted or discharged? I have heard of none. The conduct of administration is, in my opinion, preposterous and absurd. The Bill is unnecessary. It creates a power to confine people, who in the end, must come in under the faith of a cartel. Either, therefore, let the Bill expire, or preserve something like uniformity of conduct, by dissolving the cartel.

The *Attorney General* replied, that when the Bill was passed, a necessity existed. The same motives still continued. It was to hold persons in certain situations, or prevent mischiefs arising from acts, which in most cases must, from their nature, be otherwise accompanied with impunity. This, however, was not the time to dispute the propriety of the proposed law: the motion was only for leave; when it came in the form of a Bill, that would be the proper time to make objections.

Mr. *Baker* said, that the crown had asked for powers, and obtained them; but he had not learned, that they were exercised in any one instance; but in confining persons, and obliging them to suffer a species of imprisonment, no less cruel and unprecedented, than disgraceful to the character of the English nation. The miseries those people, now shut up in the several gaols of the kingdom, suffered, he had heard, were intolerable. He emphatically desired to know the reason, why they had not been brought to their trials, bailed, or discharged? and observed, there was a passage in the speech, of the last session, which promised, that the laws should be faithfully carried into execution; but that, in the answer to the speech from that House, no notice was taken of that passage.

Leave was given to bring in the Bill.

Nov. 27. Sir Grey Cooper brought in the said Bill, which was read a first time.

Mr. *Baker* said, he intended to have made his opposition to the introduction of the Bill, but was prevented by the hurry in which it was brought into the House. As that was no longer in his power, he would oppose it in its present stage, and accordingly moved, "That an humble Address be presented to his Majesty, praying him to order a correct return and full description of all the prisoners, with an account of the prisons in which they are confined in America as well as Great Britain, together with copies of their several commitments, and the bail, &c. offered for their enlargement, and all other proceedings of his Majesty's privy council, in consequence of the power vested in them by the late Bill for the suspension of the Habeas Corpus Act, to be laid before this House."

Mr. *Cornwall* wished to know what were the consequences the hon. gentleman wanted to draw from the desired information.

Mr. *Baker* replied, that having reason to imagine that there were few or none taken up by virtue of the suspension of that Act, his object was to prove, from official information, that the Act had not had any effect; that no reason existed which could demonstrate that there is any greater cause now to renew it, than there had been at first to enact it; and that consequently it would be an unjustifiable measure to suspend the operation of so important an Act as the Habeas Corpus.

Sir *Grey Cooper* replied, that such an enquiry was unnecessary, and indeed nugatory, for it was impossible for administration to force the Bill into operation, if the parties, who might think themselves aggrieved in the first instance, declined to avail themselves of that mode of redress which the Bill held out. There was nothing new in the suspension of the Habeas Corpus law; it had been frequently suspended since the Revolution when the exigencies of public affairs required, first in king William's time, and afterwards in 1715 and 1745; but if the hon. gentleman wished to know the names, numbers, and other particulars stated in his motion relative to those unhappy persons, he for his part had no objection.

Mr. *Baker* answered, that the object of his motion was simply this; that the enquiry of the House should be co-extensive with the exercise of powers it had dele-

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gated to the crown. He drew this inference from what had been stated by the last hon. gentleman, that there were many native Americans under confinement for treasonable practices, but not one of the natives of Great Britain, which was the strongest argument of the inutility of the Act, and the best reason, why it should now be permitted to die a natural death, as being totally unnecessary.

Mr. *Welbore Ellis* said, that the motive from which he acted when he gave his assent last session to the suspending the Act, was not so much to punish as to prevent rebellion; few persons, he confessed, had been taken into custody in consequence of it; but then it must be attributed to the terrors of imprisonment, and the other consequences that might ensue; and if few persons had been confined, it was a proof that few crimes, against which the Act was levelled, had been committed. Hence he inferred, that the suspension had awed many disaffected subjects into obedience and fidelity, and shut the door against domestic rebellion; that as it had prevented the commission of numberless rebellious acts, so it must continue to operate in the same manner, and prevent in future, equally as well as in the past; that therefore he could not but justify the measure of still keeping the Bill in being, that the same happy effects might not cease to be felt.

Mr. *Burke* was warmed at the idea of suspending the Habeas Corpus, merely that rebellions might be prevented: the same argument might hold good to eternity, and continue the suspension of that important Act to the end of time. The fence of liberty might be cut down, and Britons deprived of their most valuable privileges, if this mode of reasoning should be approved by the House. The same cause that obliges the Act to be passed this session, may produce a similar effect the next one, and thus defeat the purpose of the most valuable law we have. He implored, he entreated the House, if there was still one spark of genuine patriotism to be found in it, that they would now stand forth the guardians of their country's rights, assert their liberties, and crush the infamous Bill that was to be the instrument of their slavery, in the first instance.

Mr. *Welbore Ellis* expressed himself surprised that the hon. member should fly into such extremes, and draw inferences which he did not think the premises could justify; truth and virtue, he said, were generally to be found in the midway, between the two extremes; and no political or metaphysical proposition could be advanced, which, if pursued to the utmost limits that refined reasoning could stretch it to, would not terminate in an absurdity. He never meant that a continual suspension should be grounded upon this temporary one; nor could he see the least danger that such a measure would ever originate from it.

Mr. *Burke* again rose up, and confessed that truth was not to be found in the extremes; that he did not want to drive him to the *argumentum ad absurdum* in any metaphysical question; but in this political one he would wish to pursue him to the utmost verge of reasoning, till he should give up a measure pregnant with our ruin. The land-tax, he observed, was introduced as a temporary revenue, and by that means granted by the House: the army was at first voted for one year only: but now your army, said he, is a standing army; your land-tax is a standing revenue to maintain this standing army; and this suspension may become a standing suspension, and consequently, the eternal suspension and destruction of the Habeas Corpus.

Mr. *Fox* said, when the first motion was made to suspend the Habeas Corpus, it was declared by the favourers of the Bill to be a most harmless, mild and innocent measure; now it is confessed to be armed with the greatest terrors; to be able to awe the subject into submission, and terrify him into obedience: it was scandalous, it was infamous, to endeavour to conceal the dreadful effects that must naturally flow from such an Act, and an indignity offered to the House, to attempt to deceive by such thin disguises.

Mr. Baker's motion was agreed to; and the Bill was read a second time.

Debate in the Commons on the Land Tax of Four Shillings in the Pound.] Nov. 28. The order of the day being read, for going into a Committee of Ways and Means to grant to his Majesty a land-tax for the year 1778, of four shillings in the pound, sir C. Whitworth took the chair of the committee, and lord North moved the Resolution.

Mr. *Whitbread* complained greatly of the inequitable mode of assessing and levying the land-tax, and begged the committee to take it into their most serious consideration. Since the addition of one

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shilling in the pound was laid upon land, the whole was raised on some estates agreeably to the old assessment, and some to the new, by which estates in general were most unfairly and unequally taxed. As an instance of this, he declared, that he had one estate in Middlesex, of 180*l.* yearly value, for which he paid no more than 16*l.* a year land-tax; and another estate in Bedfordshire, for which he paid 50*l.* yearly, though the rental of both were nearly equal. This great difference arose from the one estate paying to the rate of the old assessment, and the other to the new: he would, therefore, move as an amendment to the vote for the present year's supply, and as an equal, fair, and impartial mode of taxing the landed property of the kingdom, that the Bill should pass for 3*s.* in the pound, to be raised on every estate agreeably to the old assessment, and that a new assessment be made throughout the kingdom for the additional shilling.

The Chairman observed, that the motion before the House was not about the mode of assessing, but whether 4*s.* and no more shall be the land-tax for the ensuing year.

Mr. *Baker* said, the hon. member's observation was worthy of the attention of the committee; it was not against the proposed resolution, but against the mode of assessing. His intentions were, plainly, when the tax demanded an additional shilling, that a sum of money should be raised on the lands under-rated, till the assessments were equal throughout the kingdom, and the deficiency, if any should remain, to be fairly and proportionably levied on all the lands in the kingdom. For his part, he should go farther, for whether the land-tax were laid at above or under 3*s.*, he was of opinion, that justice would never be done, till an equitable mode of rating all property subject to the land-tax was adopted.

Lord *Ongley* said, the fact was true, but the conclusion called for a further explanation. Those who derived titles from their ancestors, were most certainly bound by their acts; and such as purchased gave a price proportioned to the mode which prevailed in the country or place where the lands or estate lay. The hon. member who spoke first furnished him with an argument against what he advanced; for if he was to purchase in either of the shires mentioned, he should be glad to know from that gentleman, whether he would give as great a price in a county where the tax was collected to the full extent, as where it did not pay perhaps above half or a third of the real value? certainly not: the burden on the land was always estimated and allowed for out of the full purchase.

Colonel *Barré.* I rise to trouble the committee with a few sentiments on the question of the day. Not a single country gentleman has risen to speak of peace, or to complain of war. Their supineness, or their acquiescence, deserves the severest reprehension. If they are blind to the distresses of their country, they ought to be awakened; if they are ignorant, they ought to be informed; if indolent, they ought be aroused. In a few words, I will shew them the magnitude of the present calamitous war, the effects it has produced, and the expectations we are led to entertain of it. No less a sum than 13 million of money was voted by this House for the service of the war for last year; a sum equal to any ever necessary, ever requested, ever granted for the service of any foreign war from the Conquest up to this day, excepting alone, the grants for the four last years of the late war with the House of Bourbon, and the grants for one single year more, 1711, in the reign of queen Anne, when a very large sum of the national debt was paid off, and many considerable public services performed. This year we have already voted more than 3 million for the navy. On Wednesday we shall vote 3 million more for the army; and in due course, the other votes will pass for a sum equal to that of last year. Such are the effects of this American war. Let us view the expectations; are we, by conquest, to be relieved from this immense burden of taxation? No; there is no conquest aimed at; we wish not to subdue the Americans for the purpose of drawing a revenue from the country: our administrators say that is not the object of the contest; they own that the Americans will not be able to bring a revenue into our Exchequer. We mean alone, it seems, to reduce them to obedience, for the sake of national honour. We exercise every effort of warlike oppression against them, because they will not crouch at our feet, and make the first submission. This is a war of punctilio, not of profit; and we may fairly conclude, that even after its adjustment, we shall be nearly as much taxed to prevent, as we are now to maintain war. It has of old been the custom

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of this House to enquire for, and to require such papers as were deemed of consequence. On this day, in particular, it was usual of old to call for particular accounts of the arrears of the land-tax; of the net receipts, of the names of the receivers; of what part they had paid into the Exchequer, and of what part was remaining in their hands. But of late, I am sorry to say it, we have made no such requisitions. Necessary as they are to the security of our constituents, we have either neglected or not dared to do it. Such requisition, however, shall be made. If no worthier person rises to demand them, I will whenever the Speaker resumes the chair; and in the mean time shall with sorrow repeat, that no country gentleman has risen this day to ask or to wish for peace.

Lord *Ongley* went into a relation of the motion made the first day of the session for a cessation of hostilities. He laughed at its absurdity, and said, should any such measure be adopted, it would most certainly be imputed to a consciousness of our inability to support the war, or of the injustice of its commencement; and he hoped no gentleman would wish for either. He observed, that the country gentlemen had been called upon by the last hon. gentleman who spoke, and who had taken such pains to exaggerate the expence of the American war, and compare it with that of former wars. This, in his opinion, was wide of the question, and proved nothing. We were contending for a right, which if relinquished in the manner wished by those who opposed the present measure, would most certainly terminate in the loss of America, and end in the ruin of this country. The hon. gentleman took it for granted, that though we should establish the right, all expectations of revenue were no more. To persist therefore, is only to contend for a point of honour; to fight for a punctilio, without the least prospect of profit. I beg leave to differ from him: I contend a right established, and not meant to be exercised, is no right. We are heavily taxed ourselves, and it is but reasonable that when we shall compel the colonies to return to their duty, they should contribute in common with the rest of their fellow subjects, in support of that government whose protection they will equally partake of. The hon. gentleman says, that a war with France and Spain is inevitable. I doubt it much, if for no other reason, but because we are so well prepared to defeat their designs. But granting every thing that may be advanced on that supposition; in such an event the worst that can then happen, will be to withdraw our troops and fleets from North America, and attack our foreign enemies.

Sir *Herbert Mackworth* minutely elucidated the motives which gave rise to the American war, enumerated the still stronger motives for its progress, and expatiated on the conduct of those members whose opposition to the present measures had irritated the Americans. He was convinced there was not a member but wished for peace with America; but then, how was peace to be obtained? It has been said, by persuasion; but by what arguments can you persuade people who say, "we will kill you, or you shall kill us;" in such a case we are entirely on the defensive. Government have left every opening for a conciliation. What more can be done? Terms of peace would be gladly accepted, and as far as consistent we met them, but what can be said of those people who enlarge a breach of loyalty; as such undoubtedly was the fact. It is well known, that America waited with the utmost impatience for every argument made use of here by her advocates, and with eagerness embraced every suggestion started in her favour: to this, and to this above every thing, was owing the proclaiming independency, as they were taught to believe that they had the sanction of men who could defend, by argument, the cause they believed they could defend by the sword. I cannot enough express the horror I feel in thinking that any man of humanity should urge the unsheathing of the sword, and still more am I shocked to find any one so unfeeling as to aggravate the arm which holds it. He concluded with observing, that it was America continued the war with us, because were they to return to their duty, England would receive them with open arms.

Sir *George Savile* said, he rose from the desire of speaking a few words, perhaps for the last time on the subject of the American war. He thought himself well intitled to speak on this day. He was member for a body of freeholders, possessed of a large tract of landed property, and when he gave his vote for the supply called for, he appointed a large sum to government; it was his business, therefore, to enquire into the purposes for which it was intended; it was his duty to examine the uses to which it would be ap-

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plied. He said, we were determined to persist in a war with America; it had been called a just war, a necessary war; and the hon. gentleman who spoke before him had gone over the grounds of its commencement, the equity of its continuance, and the necessity of our perseverance in terms of the highest aggravation. Four several motives, says he, have been mentioned, for the commencement, progress, continuance and perseverance of the war: 1. It was begun on purpose, "to quell a puny insurrection:" 2. It was proceeded in "to subdue a dangerous rebellion:" 3. It was continued, "to defend ourselves"—positively from the motive of *se defendendo*—from the fear, that if we do not kill them, they will us. And 4. It must be persevered in from a motive the most strange, perhaps, that ever entered into the thoughts of a rational people. He would give the whole committee, he said, two guesses, and the chairman three, and be bound that they would not guess it right. It was indeed a laughable, a ludicrous motive—it must be persevered in, adds he, "to gain their confidence." We are to beat them, it seems, in order to conciliate them! Such are the romantic reasons assigned for this war; from the conclusion of which, no benefit was to be expected, nor revenue arise; and yet upon which there had been more money expended than would have served to have purchased, taken in, cleared, inclosed, manured, cultivated, sown, and planted all the waste lands in Britain—more than would have turned all the heaths, hills, and wastes into gardens; and from the cultivation of which, nay, if they had been all sown with barley, from the malt-tax alone, a greater revenue would have been drawn, than all the taxation that can ever be gathered from the wide continent of America. Such were the motives, and such the effects of this war; and for this we were called upon to grant the present supply.

Mr. *Fox* observed he would let slip no opportunity of speaking his sentiments on the present measures: he therefore begged to propose two queries: 1. Whether after two years fruitless war, administration had given the slightest reason to that House, to satisfy them that there was a probability of putting an end to the unhappy contest? 2. Whether a declaration from administration, informing the Americans that it was not their wish to violate their charters, or rob them of their liberties, would have any bad effect; but on the contrary, if it did not succeed altogether, whether it would not create many friends to the government of this country? He concluded, by informing the House, that on Tuesday next he should move, "That a committee be formed, to take into consideration the State of the Nation."

The Resolution was then agreed to.

Debate on the Duke of Richmond's Motion for an Enquiry into the State of the Nation.] Dec. 2. The Duke of *Richmond.* My lords; I am happy to have given notice on Friday last, of the motion with which I intended to trouble your lordships to day; because it proves my wish that the State of the Nation might be considered, independent of any events that might befall our arms. I have on a former occasion said, that whatever those events might be, they must equally contribute to make us desire an end of the present ruinous war. Should the most brilliant successes attend us, should American resistance be annihilated, we must still be sorry to see Englishmen under the edge of the sword, and governed by a military power. But no such event is possible. Should disgrace, therefore, take place, it would only confirm what has been so often foretold here, that a reduction of America by force of arms is impossible. Or should the operations be chequered by failures and undecisive successes, alternately, our affairs will then be in the worst condition, as we shall be tempted to further trials, which will exhaust us still more, and from the nature of things cannot prosper in the present undertaking. I am told that news is arrived. Till it is made public, I cannot comment upon it. But be it good, bad, or indifferent, it ought not to prevent your lordships from entering seriously into the enquiry I mean to propose—an enquiry into the state of the nation. I am sure your lordships cannot say that such an enquiry is unnecessary. When a civil war rages with uncommon violence, and has rent the empire asunder: when the whole force of the kingdom, and all we can hire, are unable to restore quiet; when we are adding enormously to a debt already enormous, and there is no prospect of a happy issue, it cannot be said that no enquiry is necessary, because all goes on smoothly and well. That a most unnatural civil war does exist, that we are expending treasures of men and money, and that we seem far-

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ther than ever from the situation we left, are what every one must acknowledge. Does it not, then, become the nation to enquire, in the most solemn manner possible, how we came into this situation? For what we are contending? What the contest cost us? And what prospect there is of a happy end? We have certainly had very little information, and it must be allowed that wisdom, especially in times of difficulty, requires us to proceed upon a thorough knowledge of every circumstance that may lead us to judge rightly. We must first be sure that our cause is just, then enquire into our means, the likelihood of success, the degree to which it may be pursued, and whether that degree of success is worth the certain loss and great risk to which we expose ourselves in the pursuit? In times like these, the nation has a right to be informed of the true state of its affairs, and parliament being the regular and authentic channel of such information, it is the duty of parliament to give it. An enquiry into the state of the nation is very extensive; it includes every thing. I hope therefore that every one of your lordships in the least used to business, will lend his assistance in prosecuting those branches that may appear most important. One object may strike one, and another another. The enquiry will be open to all. But as it may be expected I should in some degree point out for what purpose I paarticularly move it, I shall, without excluding myself from any other subject, or from what shall arise from the materials laid before us, readily explain what I have principally in view. It is, to state to the nation what this war, so far as it has gone, has already cost us in blood and treasure; to enquire into the conduct of it, and the measures taken for restoring peace. For these purposes I shall move that several accounts and papers be laid before the House; and that there may be time to weigh them, I shall not move that the day for going into this consideration be before the holidays; nor yet immediately after, lest there should not be time to prepare any other papers which may then seem necessary. I therefore move your lordships, to resolve that this House will take into consideration the State of the Nation on Monday the 2d of February next.

The Earl of *Suffolk*. I presume the noble duke does not mean to infringe upon the right which the King's servants have, of judging of what in their respective offices may or may not be properly and safely disclosed; consistently with the interest of the nation, and the safety of individuals. If the noble duke entertains such an intention, I shall most certainly resist any proposition tending that way. It would be imprudent and impolitic, and would be directly contrary to his grace's avowed object, that of promoting the public welfare.

The Duke of *Richmond*. By no means: I do not wish for any improper or dangerous information; and to avoid a possibility of even the appearance of any thing of the kind, the motions I intend to submit to your lordships shall all have a retrospective view; they will be framed so as to call forth matter already known to our enemies; matter known to perhaps every other person, who may have made it his business to discover it, but to both Houses of Parliament. They will chiefly be directed to two points; to the state of our army and navy; and the expences of the war previous to the first of August last. I shall first move for the Returns of the several military corps and marines serving on shore, which have suffered by death, wounds, captivity, sickness, or desertion, from the commencement of 1774, to the 1st August, 1777, in America.—2. A list of ships and armed vessels, and the number of men who suffered, as in the former motion, by death, wounds, captivity, sickness, and desertion.—3. The last returns from the hospitals of the sick, wounded, and dead.—4. A list of the ships and armed vessels employed as convoys.—5. An account of his Majesty's ships of war, which have been employed since the passing of the Prohibition Act, as cruisers, for the protection of this kingdom and Ireland; the station of such ships, and how long ordered to continue on such cruizes: with the times of their going to sea, and returning into port, so far as relates to such ships as are actually returned into port.—6. The last accounts of the state of the army in this kingdom.—7. The state of the army in Ireland.—8. The state of the army in America, distinguishing the number of British and foreign troops. The motions were all agreed to.

The Earl of *Chatham* rose and said:

My lords; I most cheerfully testify my approbation of the motions now made by the noble duke; and am firmly persuaded, that they have originated in the

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most exalted motives: nor am I less pleased with the very candid reception they have met with from your lordships. I think they will draw forth a great mass of useful information; but as to those respecting the state of our military strength, there appears something yet wanting to render them complete. Nothing has been offered which may lead to inform us of the actual state of the garrisons of Gibraltar and Minorca, those two very important fortresses, which have hitherto enabled us to maintain our superiority in the Mediterranean, and one of them (Gibraltar) situated on the very continent of Spain, the best proof of our naval power, and the only solid check on that of the House of Bourbon; yet those two important fortresses are left to chance and the pacific dispositions of France and Spain, as the only protection; we hold them but by sufferance. I know them to be in a defenceless state. None of your lordships are ignorant that we lost Mahon at the commencement of the last war. It was indeed a fatal disaster, as it exposed the trade and commerce of the Mediterranean to the ravages of our inveterate and then powerful enemies. My lords, such was the light the acquisition of that fortress was looked upon when it was first taken, that the duke of Marlborough, who was no great penman, but who employed a secretary to draw up his dispatches, in answer to the letter from the able general and consummate statesman who conquered it (the father of my noble relation now in my eye, earl Stanhope) trusted the dispatch to the secretary, but added a postscript in his own hand-writing, where he recommended particularly to the victorious general, by no means to neglect putting that fortress in the best possible state of defence, and to garrison it with natives, and not foreigners. When I had the honour, soon after it fell into the hands of the French, to be called into the councils of the late king, I never lost sight of that circumstance. Gibraltar still remained in our hands; and the war in Germany, which parliament thought fit to engage in, and bind themselves to, before I came into office; though we were carrying on the most extensive operations in America; though the coast of Africa, and the West India islands, required a suitable force to protect them; and though these kingdoms called for a proportionate army, not only to act defensively, but offensively on the coasts of our enemies; notwithstanding all those pressing services, my lords, having the counsel of that great man constantly in view, it determined me, that whatever demands, or how much soever such troops might be wanting elsewhere, that Gibraltar should never want a full and adequate defence. I never had, my lords, less than eight battalions to defend it. I think a battalion was then about 800 strong. So that, my lords, I affirm, that Gibraltar was never trusted to a garrison of less than 6,000 men. My lords, this force was, as it were, locked up in that fortress during the whole of the late war; nor could any appearance of the most urgent necessity induce me to weaken it. My lords, I know that the very weak and defenceless state of these islands does not seem to admit of any troops being spared from the home defence; but, my lords, give me leave to say, that whatever reluctance or disgust there may have appeared in several veteran and able generals to the service, where the tomahawk and scalping-knife were to be the warlike instruments employed as the engines of destruction, I am convinced there are many, some of whom I have in my eye, [supposed to mean lords Townshend and Amherst] who would with ardour and alacrity accept of any command, where the true honour, interest, and safety of their country were concerned. My lords, the moment is arrived when this spirit should be exerted. Gibraltar is garrisoned by Hanoverians. I am told, if any accident should happen to the present commanding officer there, that the care of the fortress, and the command of the troops, would devolve on a foreigner. I do not recollect his name, but this is my information; and if I do not hear it contradicted, I must take it for granted. I am well authorised to say, my lords, that such is the present defenceless state of Gibraltar, that there is not a second relief in case of an attack; not men sufficient to man the works, while those fatigued with service and watching go to refresh, eat, or sleep; though Germany and the wilds of America have been ransacked for the purpose.

My lords, we should not want men in a good cause; and nothing ought to be left untried to procure them. I remember, soon after the period I shall take the liberty to remind your lordships of, after an unnatural rebellion had been extinguished in the northern part of this island, men not fighting for liberty, or the constitution of their country, but professedly to anni-

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hilate both, as advocates for popery, slavery, and arbitrary power; not like our brethren in America, Whigs in principle, and heroes in conduct: I remember, I say, my lords, that I employed these very rebels in the service and defence of their country. They were reclaimed by this means; they fought our battles, they cheerfully bled in defence of those liberties which they attempted to overthrow but a few years before. What, then, does your lordships imagine would be the effect of a similar conduct towards the Whigs and freemen of America, whom you call rebels! Would it not, think you, operate in like manner? They would fight your battles; they would cheerfully bleed for you; they would render you superior to all your foreign enemies; they would bear your arms triumphant to every quarter of the globe. You have, I fear, lost the affection, the good will of this people, by employing mercenary Germans to butcher them; by spiriting up the savages of America to scalp them with the tomahawk. My lords, I would have you consider, should this war be pushed to extremities, the possible consequences. It is no farther from America to England than from England to America. If conquest is to be the issue, we must trust to that issue, and fairly abide by it.

The noble earl at the head of the Admiralty, the last night I had the honour to address your lordships, contradicted me when I asserted we had not above 20 ships of the line fit to proceed to sea, (on actual service) at a short warning. I again repeat the assertion, though I gave it up at that time, on account of the plausibility and confidence with which the fact was asserted. I now say, there are not above 20 ships of the line on which any naval officer of eminence and skill in his profession would stake his credit. The noble earl in office said, there were 35 ships of the line fit for sea; but acknowledged, that there was a deficiency of near 3,000 of the complements necessary to proceed upon actual service. How did the noble earl propose to fill up that deficiency?—By supernumeraries, by transfers, by recruits, &c. Will the noble earl say, that 21,000 is a full war complement for 35 ships of the line? or will he undertake to assure this House (even allowing for those odds and ends) that the ships will be properly manned by the numbers now actually on board? But if every particular fact, stated by the noble earl, be precisely as he would persuade your lordships to believe; will his lordship pretend to affirm, that 35 ships of the line, or even 42 (the highest that his lordship ventured to go) would, in case of a rupture with the House of Bourbon, be sufficient for all the purposes of offence, defence, and protection? I am sure his lordship will not. A fleet in the Channel; one in the Western Sea; another in the West Indies; and one in the Mediterranean; besides convoys and cruizers, to protect our commerce and annoy our enemies. I say, my lords, that 35 ships of the line would be necessary for the protection of our trade and fortresses in the Mediterranean alone. We must be equal to the combined force of France and Spain in that sea, or we need not send a single ship there. Ships must be stationed to command respect from the powers on the coast of Barbary, and to prevent their piracies on our merchant vessels. We must have a superior fleet in the Western Sea likewise, and we must have one in the Channel equal to the defence of our own coast.

These were the ideas which prevailed, when I had the honour of assisting in the British councils, and at all other preceding periods of naval hostility since the Revolution. My lords, if lord Anson was capable of the high office the noble earl now presides in, the noble earl is certainly mistaken in saying, that 35 or 55 ships of the line are equal to the several services now enumerated. That great naval commander gave in a list, at one time, of 84,000 seamen actually on the books. It is well worthy your lordships' inquiry, to know what are the present number. The motion made by the noble duke leads to that inquiry, and meets my warmest approbation; but that we may have every necessary information, I recommend to my noble friend to amend his motion by extending it to Gibraltar and Mahon. I do not wish to have any thing disclosed at present, which may tend to expose the weak state of those fortresses; but I think it incumbent on your lordships to learn their strength, in point of numbers of men; and to know how the fact stands, relative to the possibility of the command of Gibraltar devolving on a foreigner, in case of any accident happening to the officer who now commands there.

The Earl of *Sandwich* said, he asserted on the occasion alluded to, nothing but the truth; that he never meant to mislead; that he was an honest man; and

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when he asserted what he knew was right, he would be brow-beaten by no man. He acknowledged the superior abilities of the noble earl; but when facts were in question, which he knew to be true, he would give way to no authority, however high or respectable. As to the deficiency of the complements of the 35 line of battle ships, when he said they could be filled up by supernumeraries, he was justified in saying so; and by the manner the noble lord understood the word, 'supernumeraries,' it was plain he was ignorant of the term; they were not the outcast or refuse of the navy; nor made by transfers from one ship to another; they might be as able seamen as any in the navy: the truth was, that the complements of several ships exceeded their rates; so that every man borne in each ship, more than what was always allowed to man a ship of that rate, is a supernumerary. They were composed of able and ordinary seamen; they might have been pressed, or have entered voluntarily into the service. His lordship said, it was extremely unparliamentary, to argue upon expressions which had fallen in a former debate. He did not however wish to avail himself of that long-established usage. He said then, and he now repeated, that we had a navy fully adequate to meet the whole force of the House of Bourbon, in the first instance; and should they entertain any hostile intentions, the remainder of our force was in such a state of preparation as would render it much superior to any France and Spain could send against us. France and Spain had armed some time since, so did we. Those armaments have been increased, so have ours. We are in a state of preparation; whenever further appearances justify us, we must keep pace with our neighbours. The noble earl had laid great stress, that the Mediterranean alone would call for a naval force, equal to the whole of the ships ready for service. He could hardly think that; the greatest fleet ever sent upon that service, was under Matthews and Lestock, during the war preceding the last. The noble earl would, he hoped, recollect, that that fleet had many other objects besides the protection of the Mediterranean commerce, or of Gibraltar and Mahon. It was sent there to facilitate the operations of our allies in Italy; to protect the king of Sardinia's and the empress queen's dominions. But from that single instance, he presumed, the noble earl would not infer that we should always have so powerful a fleet in the Mediterranean. It was not the case during his lordship's own administration, nor during any other preceding, the one mentioned excepted. If the noble earl is urged to speak from secret intelligence, to recommend a more full and complete naval armament, let his lordship speak out; it is his duty to do so, that we may be prepared. If the House of Bourbon has any such intention, I shall take care to have our fleet equal to any attempt they may think proper to make. I repeat, that we have 54 ships of the line ready for sea, and that with the ships of the line in ordinary, we could, before the end of the year, be able to send 90 line of battle ships to sea.

Viscount *Townshend* observed, that Gibraltar had, at no preceding time, been in so complete a state of defence, and when the works were all finished, it would be rendered in a great measure impregnable. It was long known, and complained of, that we held Gibraltar only by the superiority of our navy; the defences next the sea being very weak; consequently, that it was liable to be surprized at any time on the commencement of a war with France and Spain. That had, however, been lately provided against; new works of great strength had been raised; and they had been so constructed, as to give cover to a regiment in the event of a siege; and so situated as to be nearly central, and to enable the reliefs to proceed to their several posts with little or no danger from the enemy's fire. On the subject of employing savages, he said it was impossible to make war in America, without them. They served as scouts and spies to bring intelligence. In such a country as America, covered with woods, and intersected by rivers, lakes and morasses, they could not be well done without; where, indeed, it might be possible for two armies though a short space asunder to know no more of each other, than if they were on opposite sides of the globe. The queen of Hungary, and several other European powers, employed Croats, Pandours, Grassines, and various denominations of irregular troops, during the late and former wars; yet he never heard their conduct arraigned in such a manner, nor were they charged as the authors of murder, rapine, &c. The Indians were employed by the noble lord then near him (lord Amherst) so they were by himself; not for the purposes presumed by the noble earl, but solely for those he had mentioned.

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The Marquis of *Rockingham* said, he rose to take notice of the criminal ignorance of the first lord of the Admiralty, relative to the force and destination of the American privateers, which could assemble and proceed to the coasts of Great Britain, alarm both kingdoms, and distress our trade, and that unknown to the noble earl till he learned it from the traders between Great Britain and Ireland, and the inhabitants of the sea coasts. His lordship observed, that no answer had been given to the strength of the garrisons of Mahon and Gibraltar; but that a noble viscount had asserted, that strong additional works had been raised. Now taking the fact in the noble viscount's own way, it was a further motive for strengthening the garrison; additional works called for more men to defend them; consequently, if 6,000 troops were requisite for the defence of Gibraltar in case of an attack, the new works requiring a whole battalion, it followed, that no less than 7,000 would be now sufficient. He insisted, this circumstance alone was the fullest corroboration of what had been asserted by the noble earl, who recommended a motion for the state of that fortress. He concluded by observing, that the concession made by the noble earl in office, not only proved, that administration were negligent, but that, in consequence of their ignorance and incapacity, our commerce had materially suffered; and we had, as the only safe means of carrying it on, been obliged either to ship our property in foreign bottoms, or pay most exorbitant premiums to insure it.

Lord *Townshend* allowed, that additional works called for a proportionable increase of men to man them; but denied, that was the case in those lately erected at Gibraltar. The fortifications were not extended, but rendered more tenable, and complete.

The Duke of *Richmond*. The noble earl at the head of the Admiralty has said, that supernumerary men, which are ready to be turned over to the line of battle ships, are to all intents and purposes of as much use as if they actually were on board them. My lords, I am not a judge of sea affairs, but from the analogy of our professions, I think this cannot be. Men collected from various quarters, unacquainted with the officers, and unused to the particular mode of discipline in a strange ship, can never be so useful as those that have been trained together some time. I have heard that various commanders have various fashions. On board some ships, it is to the boatswain's whistle, in others to the music of a fife, that the men work. But I believe every sea officer will tell the noble lord, that he wishes to have his men on board as long as possible, before they go to sea, and that new men cannot be so useful as old ones. I entirely agree with the noble lord as to the importance of Gibraltar and Minorca. They are essential to our Mediterranean trade, to our weight with the Italian states, and to keep the states of Barbary in order. We once lost Minorca, and a successful war restored it. But if ever we lose Gibraltar, which is, as it has been justly called, a British fortress in the heart of Spain, we shall never get it back again. Our possession of it is particularly galling to the pride of Spain, and no consideration will ever tempt her to restore it. I intended to have moved for the state of the troops in those garrisons, but it escaped my memory. I therefore beg leave to move, for "Copies of the last monthly returns of his Majesty's forces, as well foreign as British, in Gibraltar and Minorca."

The Earl of *Sandwich* begged to set the noble duke right; no ships were filled with supernumeraries only, because supernumeraries, collectively considered, certainly could not be deemed as serviceable as that part of the complement of any ship which had been some time on board, however many individuals among the supernumeraries might be perfect masters of their profession, and able seamen in every sense of the word. The custom of manning the navy was not to give a ship her full complement at once, but just before she sailed to perfect her complement by a small portion of supernumeraries, by which means, from the various employments on board, all the hands were immediately useful, and in a very short time the supernumeraries were to the full as serviceable in every point as the rest of the crew.

The Duke of *Bolton* observed, that as the object of the motions was to ascertain the present state of the navy, he could not but endeavour to supply that deficiency which he foresaw they would leave in the information aimed at. With this intention it was, that he should move for "a state of the number and condition of the ships in ordinary."

The noble earl at the head of the Admiralty said, that in the course of a year,

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with the assistance of the ships in ordinary, we should, in case of a rupture with the House of Bourbon, be able to equip 90 line of battle ships for sea. He could not say, after all he had heard for some years past, in that House, of the formidable state of the navy, though strictly true, that it answered his expectations. The navy, since the noble earl came to preside over it, had cost the nation sums unparalleled within a like period of a peace-establishment; yet after a twelve-month's press, the whole we had for the protection of our trade, for home defence, and every kind of miscellaneous service in every part of the globe, by the noble lord's own account, amounted to no more than 35 ships of the line for the home defence, and 54 in Asia, Africa, America, and the rest of Europe included. The noble earl told your lordships, almost three years since, that he could send to sea at three days warning, 20 ships of the line completely manned, and fit for actual service; now, says his lordship, we have 35; so that all a twelve-month's press has done for us, is to enable us to send to sea, should occasion require, fifteen more ships. I can affirm from my own knowledge, that with a very low peace establishment, I think only 8,000 seamen, a six months press, on the breaking out of the late war, enabled us to send 80 ships of the line to sea. Our number upon paper, I do maintain, ought to be 150, not 90 as stated by the noble earl.

The Earl of *Sandwich* strongly objected to this motion as highly improper; the earl said it would materially affect the interests of Great Britain, by holding out to its natural enemies a species of information which they could not by any other means obtain, and which it was the duty of the King's servants, at all events, to keep from them. It was of no importance, how notorious our positive and immediate naval strength was, but it was a matter of most serious concern to conceal from all mankind how much we had it in our power to increase that strength, and how long it would take us to give it such an addition as would render it more formidable than that of any other country could possibly be rendered. Foreigners went into our yards, and saw a great number of ships in dock, and apparently nearly ready for sea. It was right that they should entertain an opinion, that they were all nearly ready, although it often happened when he, perhaps, stood alone in a knowledge that, from various private reasons, several of those apparently ready ships could not be sent to sea for some time. It was politic always to conceal our naval resources, and it was a policy so obvious, that it was by no means peculiar to Great Britain. France did, and had long done, the same; nay, she had gone further, she had shut up her dock-yards from the eye of every stranger, and had a most formidable fleet on paper, which she held out to terrify the world, when he well knew, from secret intelligence, that many of her ships upon paper, were ships on paper only, and that they could not be put to sea, were there occasion for their services. He begged, therefore, that the noble duke would withdraw his motion. If the noble duke wished only to know what ships could soon be fitted out, in addition to the 42 already in commission, he would readily tell him; in about a twelve-month we might have 90 line of battle ships at sea, and speedily after that period many more.

The Duke of *Bolton* readily withdrew his motion; because he saw it would, as the noble lord had said, rather tend to distress than serve this country. From the noble earl's repeated boasting of the good state of our navy, the readiness with which our ships were manned, and the abundant quantity of timber in our yards, he had conceived that it was of very little consequence, how public our naval strength was made; he now, however, was sorry to say, he found that the noble lord's boastings were merely vain-boastings. In 1757, he well remembered, after a press of six months, 80 sail of the line were ready for sea. We had of late heard of a warm press, and yet the first lord of the Admiralty declared, that we had now only 54 ships ready, and that in twelve months more we could not increase that number to more than 90 sail. An incontrovertible proof, that so far from our navy being in an excellent condition, it was in a most deplorable condition.

The Earl of *Sandwich* observed, that the duke had started a new matter; that if speedily equipping ships had been necessary, he certainly could have had a great many more ships ready than there now were; but the necessities of the state always governed the conduct of the Admiralty-board, and he should hold himself highly culpable, if he put the nation to a larger expence than occasion required. The earl begged their lordships to recollect, that a sufficient naval force to serve

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the purposes of the American war had been got ready as soon as it was called for; and that the present naval armament was prepared the moment it was known that the House of Bourbon was arming; he added, that had a foreign war broke out, there is no doubt but an increase equal to the occasion might long since have been made to the navy, and concluded with declaring, that till there was occasion, he should not think it incumbent upon him to add to the public burthen.

The Duke of *Grafton* imputed the present calamitous situation of the country to the want of information; and insisted particularly, that the Capture Act, passed in the 16th of his present Majesty, and softened by the pretended powers vested in the crown, for appointing commissioners to treat with America, was not only the cause of the subsequent disasters, but of the colonies declaring themselves independent. If, however, the powers granted by the Act were what ministers pretended they meant to give, he wished to know what were the fruits they produced; and what steps had been taken by the commissioners to carry them into execution. His grace then moved, for "such papers as relate to the fulfilling that part of the Capture Act, so far as the same empowers certain persons to declare any colony, province, city, town, precinct, port or place at the peace of his Majesty: with a return of such colony, province, city, town, precinct, port or place, that since passing of the above Act may be declared to be at the peace of his Majesty."

The Earl of *Suffolk* hoped the noble duke did not mean, by the generality of his motion, to take in any papers leading to treaty; or particulars preparatory to it; but which never produced any effect. If that was his grace's intention, he certainly would oppose the motion; if not, he had no objection.

The duke of Grafton's motion was agreed to.

Debate in the Lords on the Earl of Chatham's Motion for General Burgoyne's Orders and Instructions.] Dec. 5. The Earl of *Chatham* rose. His lordship began with remarking, that the King's speech at the opening of the session conveyed a general information of the measures intended to be pursued; and looked forward to the probable occurrences which might be supposed to happen, and affect the great bodies to whom they were addressed; and of course the nation at large, who were finally interested. He had the last speech from the throne now in his hand, and a deep sense of the public calamity in his heart: they would both co-operate to inforce and justify the measure he meant to propose. He was sorry to say, the speech contained a very unfaithful picture of the state of public affairs. This assertion was unquestionable; not a noble lord in administration would dare rise, and even so much as controvert the fact. The speech held out a specious outside—was full of hopes; yet it was manifest, that every thing within and without, foreign and domestic, was full of danger, and calculated to inspire the most melancholy forebodings. His lordship hoped, that this sudden call for their lordships' attention would be imputed to its true motive, a desire of obtaining their assistance in such a season of difficulty and danger; a season in which, he would be bold to maintain, a single moment was not to be lost. It was customary, he said, for that House to offer an address of condolence to his Majesty upon any public misfortune, as well as one of congratulation, on any public success. If this was the usage of parliament, he never recollected a period, at which such an address became more seasonable or necessary than at present. If what was acknowledged in the other House was true, he was astonished that some public notice was not taken of the sad, the melancholy disaster. The report was, the fact was acknowledged by persons in high authority, [lords Germain and North] that general Burgoyne and his army were surrounded, and obliged to surrender themselves prisoners of war to the provincials. He should take the account of this calamitous event, as now stated, and argue upon it as a matter universally allowed to be true. He then lamented the fate of Mr. Burgoyne in the most pathetic terms; and said, that gentleman's character, the glory of the British arms, and the dearest interests of this undone, disgraced country had been all sacrificed to the ignorance, temerity, and incapacity of ministers. Appearances, he observed, were indeed dreadful; he was not sufficiently informed to decide on the extent of the numerous evils with which we were surrounded; but they were clearly sufficient to give just cause of alarm to the most confident or callous heart. He spoke with great candour of general Burgoyne: he might, or might not, be an able officer;

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but by every thing he could learn, his fate was not proportioned to his merit: he might have received orders it was not in his power to execute. Neither should he condemn ministers; they might have instructed him wisely; he might have executed his instructions faithfully, and judiciously, and yet he might have miscarried. There are many events which the greatest human foresight cannot provide against; it was on that ground, therefore, he meant to frame his motion. The fact was acknowledged; the general had miscarried. It might not have been his fault; it might not be that of his employers or instructors. To know where the fault lay, he was desirous of having the orders given to general Burgoyne laid before the House. So much of the plan at home, had, however, transpired, as justified him in affirming that the measures were founded in weakness, barbarity and inhumanity. Savages had been employed to carry ruin and devastation among our subjects in America. The tomahawk and scalping-knife were put into the hands of the most brutal and ferocious of the human species. Was this honourable war? Was it the means which God and Nature [alluding to what had fallen from lord Suffolk on the opening of the session] put into the hands of Englishmen, to assert their rights over our colonies, and to procure their obedience, and conciliate their affection? His lordship spoke in the most pointed terms of the system introduced within the last 15 years at St. James's: of breaking all public and family connection, of extinguishing all public and private principle. A few men had got an ascendency, where no man should have a personal ascendency; by the executive powers of the state being at their command, they had been furnished with the means of creating divisions. This brought pliable men, not capable men, into the highest and most responsible situations; and to such men was the government of this once glorious empire now entrusted. The spirit of delusion had gone forth; the ministers had imposed on the people; parliament had been induced to sanctify the imposition; false lights had been held out to the country gentlemen: they had been seduced into the support of a most destructive war, under the impression, that the land tax would be diminished, by the means of an American revenue. The visionary phantom, thus conjured up for the basest of all purposes, that of deception, was now about to vanish. He condemned the contents of the speech in the bitterest terms of reproach. He said it abounded with absurdity and contradiction. In one part it recommended vigorous measures, pointing to conquest, or unconditional submission; while in another, it pretended to say, that peace was the real object, as soon as the deluded multitude should return to their allegiance. This, his lordship contended, was the grossest and most insolent delusion. It was by this strange mixture of firmness and pretended candour, of cruelty and mercy, justice and iniquity, that this infatuated nation had been all along misled.

His lordship returned to the situation of general Burgoyne, and paid him, indeed, very high compliments. He said, his abilities were confessed; his personal bravery not surpassed; his zeal in the service unquestionable. He experienced no pestilence, nor suffered any of the accidents which sometimes supersede the most wise and spirited exertions of human industry. What then, says his lordship, is the great cause of his misfortune? Want of wisdom in our council, want of ability in our ministers. His lordship laid the whole blame on ministers: it was their duty to shield that ill-treated officer from the temporary obloquy he must suffer under, till he had an opportunity to justify himself in person. His motion bore no personal relation to the conduct of that able, but abused officer; it was meant to be solely pointed to draw forth those instructions, which were the cause of his defeat and captivity. General Burgoyne was subject to the events of war; so was every other man who bore a command in time of war; for his part, when he was in office, he never attempted to cover his own incapacity, by throwing the blame on others; on the contrary, he gave them every support and becoming countenance in his power.

His lordship condemned the plan of operations, which he insisted was sent from hence; that of penetrating into the colonies from Canada. It was a most wild, uncombined, and mad project; it was full of difficulty; and though success had declared in our favour, would have been a wanton waste of blood and treasure. He next animadverted on the mode of carrying on the war, which he said was the most bloody, barbarous, and ferocious, recorded in the annals of mankind. He contrasted the fame and renown we gained in the last war, with the feats and dis-

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graces of the present; then, he said, we arrived at the highest pinnacle of glory; now we had sullied and tarnished the arms of Britain for ever, by employing savages in our service, by drawing them up in a British line, and mixing the scalping-knife and tomahawk with the sword and firelock. The horror he felt was so great, that had it fallen to his lot to serve in an army where such cruelty was permitted, he believed in his conscience he would sooner mutiny than consent to serve with such barbarians. Such a mode of warfare was, in his opinion, a contamination, a pollution of our national character, a stigma which all the water of the rivers Delaware and Hudson would never wash away; it would rankle in the breast of America, and sink so deep into it, that he was almost certain they would never forget nor forgive the horrid injury.

His lordship observed, that similar instructions relative to the Indians had been imputed to him. He disclaimed the least recollection of having given any such instructions; and in order to ascertain the matter, so as to remove any ground of future altercation on the subject, he called upon administration to produce the orders, if any such had been given.

We had, he said, swept every corner of Germany for men: we had searched the darkest wilds of America for the scalping-knife. But those bloody measures being as weak as they were wicked, he recommended that instant orders might be sent to call home the first, and disband the other—indeed, to withdraw our troops entirely; for peace, he was certain, would never be effected, as long as the German bayonet and Indian scalping-knife were threatened to be buried in the bowels of our American brethren. Such an expectation was absurd, mad, and foolish. The colonies must consider us as friends, before they will ever consent to treat with us: a formal acknowledgment of our errors, and a renunciation of our unjust, ill-founded, and oppressive claims, must precede every the least attempt to conciliate. He declared himself an avowed enemy to American independency. He was a Whig; and though he utterly from his heart abhorred the system of government endeavoured to be carried into execution in America, he as earnestly and zealously contended for a Whig government, and a Whig connection between both countries, founded in a constitutional dependence and subordination.

His lordship recurred to the melancholy momentous situation of public affairs in general. He said, America was lost, even by the accounts which administration in the Gazette had thought proper to impart. General Washington proved himself three times an abler general than sir William Howe; for, with a force much inferior in number, and infinitely inferior in every other respect, as asserted from an authority not to be questioned (lord Germain) he had been able to baffle every attempt of ours, and left us in such a situation, that if not assisted by our fleet, our troops in the neighbourhood of Philadelphia must probably share the same unhappy fate with those under general Burgoyne. He condemned the motives of the war in the most pointed and energetic expressions, and the conduct of it in still stronger; and compared the situation of this country to that brought on his dominions by the duke of Burgundy, surnamed the Bold.—A prince of the House of Savoy had his property seized by him; the injured prince would not submit; war was determined on; and the object strongly resembled the paltry pretence on which we had armed, and had carried fire, sword, and devastation, through every corner of America. The seizure was about a cargo of skins; he would have them, but the prince of Saumur would not submit. The duke was conjured not to go to war; but he persisted: "he was determined steadily to pursue the same measures:" he marched against "the deluded multitude:" but at last gave one instance of his magnanimity, by imputing his misfortunes to his own obstinacy; "because," said he, "this was owing to my not submitting to be well advised." The case of the duke of Burgundy was applicable to England. Ministers had undertaken a rash enterprize, without wisdom to plan, or ability to execute.

What had occasioned, since last war, the rise in the value of English estates? America, which he now feared was for ever lost. She had been the great support of this country; she had produced millions; she afforded soldiers and sailors; she had given our manufacturers employment, and enriched our merchants. The gentlemen of landed property would probably feel this; for, when commerce fails, when new burdens are incurred, when the means by which those burdens were lightened are no more, the land owner will feel the double pressure of heavy taxes: he will find them doubled in the first instance, and

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his rents proportionably decreased. But what had we sacrificed all those advantages for? In pursuit of a pepper-corn! And how did we treat America? Petitions rejected—complaints unanswered—dutiful representations treated with contempt—an attempt to establish despotism on the ruins of constitutional liberty—measures to enforce taxation by the point of the sword. Ministers had insidiously betrayed us into a war; and what were the fruits of it? Let the sad catastrophe which had befallen Mr. Burgoyne speak the success.

In the course of his speech, he adverted to the language and Tory doctrine held in print, and in that House, by a most reverend prelate: and, he trusted, he should yet see the day, when those pernicious doctrines would be deemed libellous, and treated as such. They were the doctrines of Atterbury and Sacheverell. As a Whig, he should never endure them; and doubted not, the author or authors would suffer that degree of censure and punishment they were justly entitled to.

After recommending measures of peace instead of measures of blood, and promising to co-operate in every measure that might promise to put a stop to the effusion of the one, and to promote the other, which might still prove the means of once more uniting our colonies to us, his lordship moved, "That an humble Address be presented to his Majesty, most humbly beseeching his Majesty to be graciously pleased to give directions, that the proper officer do lay before this House, Copies of all orders and instructions to lieutenant-general Burgoyne, relating to the operations of that part of his Majesty's forces in North America, under his command."

Lord *Lyttelton* lamented the fate of general Burgoyne, on whom, as an officer and a man, he bestowed the highest encomiums; and wished, while the noble earl had been so profuse of his commendations, he had acted with more real candour, and not as by the effect of the present motion, were it to be agreed to, call that unfortunate but brave officer's conduct into question, and expose him in his absence to an enquiry in which it would be impossible to defend himself. He objected to the intelligence; said it could not come properly before the House. It was but rumour, and, as such, was no solid foundation for a parliamentary enquiry. He avowed himself as genuine a Whig, as the noble earl. He had been bred in the principles of Whiggism from his earliest days, and should persevere in them to the end. He loved Whiggish principles, as much as he despised those of anarchy and republicanism. But if the bare name of Whig was all that was meant, he disclaimed the name. If an impatience under every species of constitutional government, if a resistance to legal restraint, if the abetting of rebels, was the test of modern Whiggism, he begged leave to be excluded, as one not avowing or professing such doctrines. He would, indeed, much rather share the odium which had been unjustly cast upon another set of men, and be accounted a Tory, in preference to a modern Whig.

His lordship then entered into a general consideration of the question of right between this country and America. He said the noble lords on the other side had acknowledged the war to be popular. He was convinced it was, more than any other he ever recollected. The supremacy of this country was at stake. Shall we, then, forego all our just rights? rights, I will be bold to say, on which the very existence of this country depends, for a single check? when it is notorious that we have been victorious in every other quarter, where our arms have been carried. Shall we crouch to America, because, allowing the fact to be true, we have met with one disaster? This was not the language of the noble lord heretofore. He once rescued this country from impending ruin; and I call upon the noble lord to declare if he were now at the head of his Majesty's counsels, would he despair? Would he advise this country to humiliate itself, and sue for peace to America; or if he is of that opinion, does he think that America would either accede to terms he thinks reasonable; or desist, even though we should declare her independent, from farther pretensions? I know the noble earl too well, to believe he could be so far deceived. Look on the other effect of such a procedure. We humble ourselves to our rebellious subjects. What would in that event all Europe think of us? What would our ancient enemies, France and Spain, think of us? Would they not actually realize, what it is now pretended they have in contemplation? They would despise as well as detest us. It would operate to afford them the highest encouragement to attack us. They would immediately conclude, that we were weak, defenceless, pusillanimous; that we were

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emptied of all that spirit of military glory and national pride that has hitherto proved our best defence. They would look on us as a nation of merchants, poor, tame, groveling and mercenary; they would no longer envy, they would despise us; such a conduct would fill them with confidence; and that confidence would most assuredly terminate in our utter destruction. It is necessary, therefore, even in that light, to act with vigour, to combat our misfortunes with resolution; it will have a double effect; it will serve to convince both our domestic and foreign enemies of our strength, courage and resources; and be the best security for our own safety, and the only effectual means of bringing about those events which the noble earl has this night drawn in such strong and inviting colours.

His lordship entered fully into the great question of parliamentary supremacy; and endeavoured to prove that it must be supported in its true constitutional extent; otherwise the nation would be undone. He did not, he said, presume to point out the precise terms; but even the noble earl himself had admitted the necessity of American dependency. He was firmly persuaded that the supreme right even to tax, though parliament was willing to relax, could not be given up—parliament could not give up the rights of the empire; they were inherent; they were inalienable; and the great controuling superintending power of the state was inviolable and indivisible. We were contending for the very existence of the empire; should America prevail, instead of submitting to acts of navigation from hence, she would prescribe them to us. The right of binding America in all cases whatsoever, we clearly possessed, and, he trusted, would never relinquish. We should always maintain the right, though at least for the present, it might be inexpedient to exercise it. The supremacy of the legislature extended to every part of the British empire; nay in a case of emergency, he was clear we had a right to tax Ireland. That emergency had never arisen, for that country was always ready to contribute equitably to her share of the public burthens. Would America consent to do as Ireland had done? Would she give support in return for protection? If she would, that might be a proper ground perhaps to go upon; but no step towards conciliation could be taken consistently with the rights and dignity of this country, till the supreme right of this legislature was first acknowledged in all its parts. A great deal of blame had been thrown upon ministers this night, as if the measures pursued relative to America were solely their measures. Was that really the case? By no means; they were the measures of parliament, of the whole nation; they were measures which almost every Briton approved of. Parliament, in the most full and solemn manner, had given them the fullest public sanction. They echoed in so doing nothing but the voice of the nation: and shall one little check induce us to desist? No: I trust, as Englishmen feeling the perfidy and ingratitude of our unnatural subjects, it will call forth that spirit which has always led us to victory. His lordship condemned the absurdity of immediately withdrawing our troops, as a preparatory step to negociation, now become necessary; on the contrary, if negociation and peace were the real objects to be attained, so far from such a measure having the desired effect, he believed, upon his honour, the Americans would laugh at us for our want of spirit, or impute it to imbecility, and the want of means to either assert our rights, or maintain our national reputation.

His lordship next observed, that the noble earl had mentioned, that America was subordinate and dependent on this country, and contended, as the true test of that subordinate relation, that the Navigation Act should be preserved inviolate, in all its commercial operations; yet the effect of the noble earl's speech, was all calculated to prove, that we were not able to enforce that Act, nor of course that constitutional dependence of which he supposes it to be the true basis. He had heard the noble earl say, "That if America persisted in asserting her independence, after the troops had been withdrawn, he would throw himself in their way!" What could he mean by such a declaration, unless that of acknowledging the impossibility of subduing them, by evacuating those posts we have got, which no future force could perhaps regain? For if they were thus left to the exercise of their own will, they would not only be independent of this country, but in the course of 20 years, America, when she had established her marine, would be a superior empire! In reply to that part of lord Chatham's speech in which he denied ever officially sending out orders for hiring the Indian savages to wage war against the

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French, his lordship observed, that savages were employed on that occasion, and in great numbers, and though perhaps not under the express direction of the noble earl, the measure was notwithstanding his, since the officers, so far from being called to any account for it by him, were at least tacitly justified in the deed.

As to giving up the idea of subduing America, because we had been in one instance unfortunate, it was a proposition every way disgraceful to Britons. What would the House of Bourbon think of such unexampled pusillanimity? Would she not conclude us an exhausted nation, and this a fit moment for her to wreak her vengeance on us? His lordship here apologized for the warmth into which the subject had betrayed him; but said he should have had to accuse himself, if he had permitted the supposed fears of a British senate to get into the world, without rising up, and shewing the folly of them. He was much astonished, at the great parade the noble earl had made respecting the tomahawk and scalping-knife: was an Indian's knife a more dreadful weapon than an Englishman's bayonet? In the present war, the chief of the blood which had been shed, was shed by the point of the bayonet; yet, who talked of the bayonet as a savage instrument of war? He wished as heartily as any noble lord for a happy and honourable end of the contest, and perhaps the late misfortune might make it proper to hold out terms to America. He wished not however that it should induce us to withdraw our troops, as such a fatal measure would most assuredly give America an advantage we should never be able to surmount. It would be, indeed, at once rendering her independent, and the moment America was lost, Great Britain would be ruined and undone.

The Earl of *Suffolk* contended, that general report was not sufficient to found a parliamentary enquiry upon. The report of the defeat and capture of general Burgoyne had every mark of external authenticity; but still, till it came officially before that House, he did not see how they could properly take notice of it. His lordship joined in the eulogiums on that gallant but unsuccessful officer, and pleaded his services as the best grounds for not giving the papers now called for. He said, that the motion was in every light unseasonable; and though it were proper to agree with the motion at present, the time that would be necessary to prepare the information, so as to avoid the ill consequences which the whole of the instructions given to general Burgoyne might be productive of, was by much too short. The papers were voluminous, and contained a variety of matter not at all connected with the immediate object of the present question. They might disclose transactions not proper to be revealed; their contents, if nakedly laid before their lordships, might materially affect several individuals. Besides, taking the fact of general Burgoyne's overthrow to be certain, it would be extremely improper to accede to the motion. Frequent instances occurred in the English history, where the spirit of the nation had been roused by an unlucky accident, similar to the late defeat of general Burgoyne; and as brilliant successes as could be wished, had been the consequence of fresh exertions of the national vigour. His lordship instanced the surprise of general Stanhope at Brihuega; and said, if Mr. Burgoyne was made prisoner, the terms of his release were equally true; and, in consequence of that, his return to England was daily expected. His own account of that unhappy affair would throw more light upon the subject, than the most ample information it was in the power of the King's servants to give. When that period arrived, the whole of the plan and execution would be seen, and might be connected together, so as to enable their lordships to form a proper judgment. He had no possible objection to agree with a similar motion to the present, or any other which might tend to shew the measure in its true and genuine light. He wished to explain his own sentiments relative to a subject so often alluded to by the noble earl; that of employing Indians in the army commanded by general Burgoyne; because it had got out of that House, that he had approved and justified the measure in every supposed circumstance it might bring after it; such as, that we had a right to use all the means which God and Nature had put into our hands, to enable us to reduce our rebellious subjects; and that God and Nature, as a part of those means, justified the act of arming the Indians with the tomahawk and scalping-knife, for the purpose of committing the most horrid barbarities on the weak, unoffending, and defenceless part of our American subjects. Nothing could be farther from his wish or intentions. He never meant to sanctify the abuse, but the

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use of those weapons, agreeably to the established usages of war. He insisted that the rebels meant to avail themselves of the tomahawk and scalping-knife, without any regulation. Administration did not. The noble earl knew they had been employed during the late war in his own administration, he presumed, very properly: and therefore, if the measure had been so inhuman, as his lordship would now represent it, it was his duty to have prevented it. There could not be a stronger proof that they were employed in the same manner now, than their leaving general Burgoyne, when they found that no advantage they might prove of could induce him to abate of the rigour of military discipline. God and Nature furnished the means; but God and Nature likewise restrained the exercise of those means; the tomahawk and scalping-knife were weapons of destruction; so were the sword and bayonet; and when death was to be the consequence, it availed very little, in his opinion, what instrument was employed in effecting it. He concluded by assuring the House, that he did not mean to keep back any information that it would be prudent to impart; for which reason, having a view to some future day, he should give his negative to the motion, by moving the previous question.

The Earl of *Shelburne* said, the apology made by the noble earl was the most extraordinary that was ever offered in a House of Parliament. The noble lord tells you, that he verily believes the rumour to be true; but parliament must not take the least notice of it, because it does not come vouched in an official manner: when it does, I would be glad to know, from the noble earl, what is the difference by which channel truth comes, so that we are satisfied it is truth? Oh! but the noble earl pleads custom; he says, it is unusual; it is unparliamentary. I contend the noble earl is mistaken. I contend that the usage has been the direct contrary; and I will refer his lordship to a particular instance, every way applicable to the present, except that the enquiry then moved for and carried, was upon much more doubtful and weak grounds. It was in the reign of queen Anne, just after her Majesty's change of ministry, when an account of the surprise and surrender of our troops in Spain under general Stanhope came in the shape of a prevailing report, through the channel of the Dutch minister, the very affair the noble earl in office alluded to. Parliament did not then wait for official information. The House of Commons, the very next day, on the 2nd of January, 1711, addressed the queen, and promised, that an immediate enquiry should be made into the causes of that fatal disaster;* and if I do not mistake, lord Peterborough, who was at that time preparing to set out, to take upon him the command of the troops in Spain, was detained by this House, for several days, merely for the purpose of explaining to it the nature and extent of the war in that country; in order that parliament might be able to judge how far ministers or generals were or were not censurable for that fatal miscarriage. Ministry then did not screen themselves under the poor subterfuge of not having official information to proceed upon. They did not profess the belief of the certainty of the report; and yet, by moving the previous question, endeavour to discredit it. They did not wait for the return of the captive general; and under a possibility of his misconduct take the matter for granted; and shield themselves under that possibility.

The present moment was the time to call for the instructions. Ministers were accountable to the public for whatever blunders might occasion national miscarriages. Parliament had been made use of as a screen, to hide those from public scrutiny, who ought to be called forth to answer for their misconduct. The fate of Mr. Burgoyne was of a most alarming nature. God only knew what consequences it might produce. The finest train of artillery that ever had been sent out, had fallen into the hands of the Americans. He was credibly informed, that it had cost this country upwards of half a million, besides the enormous expence of transporting it thither. Flushed with such success, they might turn their force to Canada: or they might join general Washington. The situation of sir W. Howe might be rendered insecure. Before the expiration of the winter, he might find himself in the same situation as Mr. Burgoyne had been. His supplies cut off.

An idea had been thrown out, that the loss of the army under Mr. Burgoyne had been the only loss we had sustained. This was not the fact. The expedition undertaken on the lakes by colonel St. Leger had failed. That expedition had been a curious one; and a most curious circum-

* See Vol. 6, p. 936.

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stance had attended the projecting it. It was planned in Pall Mall. And, as a proof of the exalted wisdom of those who planned it, they assigned a certain number of Hessian chasseurs to assist in the expedition, although at the time when it was undertaken, those very Hessians were in Germany. Those who projected the expedition, never considered that a fair wind might be necessary to transport the Hessians to America, who were to be employed in it. As the witches of Lapland are supposed to have the command of winds, and to carry a fair one in their pockets for the benefit of their friends, so the Pall-Mall planners of the expedition up the lakes, did not recollect that their interest with the God of winds might not be quite so powerful, as their interest in the drawing-room.

With respect to the instructions given to Mr. Burgoyne, they ought to be laid immediately before the House. Whenever they were produced, they would turn out to be precious documents. They would display the incapacity of ministers in the most glaring colours. The instructions which had hitherto been given to our military commanders, had excited the ridicule of every subaltern in the army. But blunders, incapacity, and profusion had marked the measures of the men in office. The profusion of government had been excessive. General Haldimand, a Swiss by birth, for very slender services, had been most profusely rewarded. He was inspector general of the troops in the West India islands, and governor of Quebec. Why general Carleton had been removed, it was very difficult to say. He had once saved Canada. He had saved it by venturing to disobey his instructions. The ministers professed to have a great confidence in him; and yet he disdained ever to correspond with one of them. The favours which the King had shewn to general Carleton, were not relished by the ministers. General Gage afforded another instance of the profusion of ministers. He was still the nominal commander in America, and received 10*l.* daily as the salary annexed to his post, though he had not set a foot in America for these two years past. He contended, that general Carleton's only crime with administration was, that he did not approve of employing savages. He despised administration; they did not receive a scrap of paper from him since a certain secretary came into office. He condemned the operations on the back of the New England colonies, as extravagant, absurd, and impracticable; a waste of blood and treasure, even though it had succeeded: and doubly absurd, considering the means pursued to procure success. The war on that side should have been defensive. Canada might be retained. That province would now probably fall into the hands of the Americans, if not again preserved by the great military abilities of general Carleton.—He feared the French had early notice of the disaster which befel the army under general Burgoyne. He believed, that some good news from America was all that prevented them from closing with the colonies; and he would mention what he heard, though he did not assert it for truth, that the delegates from the Congress had actually signed a treaty with France.

His lordship next commented on the language held by a noble lord, (Lyttelton) that parliament had done this, parliament had done that; the nation and the public at large had sanctified the measures of administration, and pledged themselves to their support. Parliament alone, aided by the voice of the people, had dictated the measures; parliament had addressed the throne, and surely now they could not contradict or desert that advice which they had given their sovereign. All this parliamentary form signified just nothing. The measures were those of administration, and not of parliament, or the people. Parliament was deluded, imposed upon, and misled: they trusted to what they were told. He said, the sentiments of a gentleman farmer, with whom he lately conversed, was a just picture of the majority of the people within and without doors. The nation was deluded with false hopes and false pretences. He asked the farmer what he thought of the American war, and the general state of public affairs; for he liked to converse with such men, and draw forth information wherever he could find it. The farmer wished peace with America, but thought the colonies should be taxed as well as Great Britain. The man was one of the wealthiest farmers in the county of Wilts. Such men are sometimes sent to parliament; men of extreme good natural understanding, but who do not trouble themselves much with abstruse researches into politics as a science. Now, said his lordship, if such a man as this was in the parliament, which addressed the throne, declaring the colo-

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nies in rebellion, and pledging itself and the nation to all the consequences of an American war; it is extremely probable, that he would reason precisely as he did with me, and determine accordingly. He would think, that America had as good a right to pay taxes as Britain. He would think, as we had the power, so we ought to employ it, to enforce what appeared to him to be fair and equitable; and when the measures of enforcing obedience to our tax-laws were resisted, and attended with great difficulty in the execution, threatening an impossibility of success, and that heavy burdens were to be incurred in support of this war, he would probably wish for peace; but yet be tempted to go on sooner than forego the attainment of the grand object he first had in view, namely, alleviating his old and new burdens. Such, my lords, is, I believe, the case with many who compose the majority of the other House. They have been amused and misled by ministers. Many of them will, I dare say, continue to be misled; but if, in the first place, they were convinced of the unconstitutional ground of the claim, and of the utter impracticability of enforcing it, they would never have pledged themselves to the support of a system of measures so full of folly, oppression and injustice. This, I will venture to maintain, is a just picture of great part of the majority which composes the other House. They have had a specious tale told them. They believed it. They formed their judgments on the information of those who had an interest in deceiving them, without once bringing the matter fairly home to themselves, without once recollecting, that they were the representatives of others, as well as the disposers of their own property; and that no man, according to the most familiar reasoning, except where partiality, prejudice and self-interest arbitrarily creates the distinction, can be constitutionally bound, but by assenting in his own person, or by some other mode of assent, actual or implied. His lordship entered into several definitions of the true constitutional connection and political relation subsisting between the colonies and the parent state; declared his sentiments relative to the dependency of America on this country; protested that he was thoroughly convinced, that that subordinate state would be as beneficial to the former as the latter, the great foundation of which was the Act of Navigation. Notwithstanding all that had happened, he believed in his conscience, that such a connection and dependance, as he now pointed out, might be permanently established between both countries, were our public councils conducted with wisdom and unanimity; and concluded with some very pointed observations on the conduct of administration relative to the only one step they had taken to induce America to negociate, which was the famous Resolutions moved by the minister in the other House, on the grounds of the petition presented by the council and house of assembly of the province of Nova Scotia. On the whole, if any treaty should be opened by the present set of ministers, or any succeeding administration, he put in his protest against any proposition whatever, which might directly or indirectly tend to negociate away the Act of Navigation; for in his opinion, it was the only true constitutional cement between both countries; and whatever minister dared to hazard such an experiment, would deserve to be impeached, and ought to be made amenable to the justice of his country.

Lord *Cardiff* said, he had received a letter that day from an officer in general Howe's army, in which the writer, after stating the precarious situation of their army, and the very equivocal character of their successes, says, in very emphatical terms (describing the troops of the enemy) that general Washington's is now a respectable army. His lordship utterly condemned the absurd opinions thrown out in both Houses, of the Americans being a nation of poltroons and cowards. Can we, said he, suppose it comes by breed, when they are the descendants of ourselves? Can it be the consequence of their climate? If it is, the cause must affect our troops likewise; in short, it is an opinion equally betraying a total ignorance of the general condition of mankind. The Americans were no otherwise inferior to our troops, than as irregular troops are always inferior to troops more disciplined. If France continued to supply them with officers, and their own officers were continually improving in military knowledge, there was no reason why their army should not become as regular as any army in Europe. It was in vain to hope for any decisive victory, while they continued the policy of keeping up a defensive war, and avoiding a general action. That with respect to this country, we were in a situation of difficulty and danger, which

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we had never experienced before; that our national debt had risen to a height above the speculations of all former financiers, with a certainty of its being still further increased; and that our land-tax was at 4*s.* in the pound, without a prospect of its being ever diminished. That in this situation, without a force fit to be named, either in England or Ireland, we were on the eve of a war with France and Spain. That the honour of this country could no longer brook the insults she was daily receiving from every European power. Lastly, that it was the nature of the people of this country to be slow in their resentments, but that if this war did not end gloriously, the vengeance of the country would be roused at last, and overtake the authors of the present measures. He concluded with saying, that so necessary were vigorous measures become, that he must support the present administration, and therefore should vote for the previous question.

The Earl of *Galloway* rose next, but was awed, as he said, with the dignity of the assembly, and therefore begged leave to deliver his thoughts in writing.—The purport of his manuscript was to signify that he concurred with the noble lord who had put the previous question, but only wished that administration could devise some more acceptable means of raising the present necessary supplies, than by the imposition of fresh taxes upon the poor, that the burden might fall more particularly upon the rich, among whom he ranked himself. God had blessed him with an ample fortune and numerous family; yet such were his ideas of the justice of the American war, and the necessity of prosecuting it to a prosperous issue, that as an individual he would assist with his whole fortune, sooner than agree to a surrender of the supreme right of this country over all its dependencies. He would sooner part with that fortune which was the natural expectation of his offspring, in maintaining the rights of the empire, which he looked upon to be still a superior obligation to every other, howsoever much it might press upon him in any tender duty or relation.

The Duke of *Manchester* charged lord Cardiff with inconsistency, declaring, that he had shewn the American war to be impracticable as to any good purpose, and yet advised administration to continue it with all possible exertion. His grace particularly complained of the ministry's withholding every species of necessary information from parliament. His grace drew a parallel between the probable fate of Britain, and that of the Athenian commonwealth, respecting their Sicilian colonies. He said, the oppression which Athens exercised over its colonies, in the island of Sicily, having caused the revolt of the Sicilians, the Sicilians, obediently and friendly inclined, petitioned, and at length remonstrated, but all to no purpose; they must be subdued. Armies were sent from Athens; they met with difficulties; they were defeated. New levies were made; still victory declared in favour of those who were fighting for what they deemed their rights. The Athenian arms were unsuccessful. At this critical period arose a great popular speaker, who was likewise a soldier! (adverting to the conduct of Nicias and Alcibiades). He made speeches; he proved the justice of the war; he prophesied success; he got the command of the army. What was the issue? The army was cut off; he fell himself; Sicily was lost; Athens was drained, exhausted, and weakened; she became a prey to her ambitious neighbour, the state of Sparta. The pride, and power, and military glory of Athens was no more, her rival Sparta gave her laws, armies, protection, and legislators; and such was the fate of that once glorious republic. The people of this country had been spirited up in a similar manner; they had been deluded and imposed upon by specious tales and inflammatory speeches. Mr. Burgoyne's blind efforts to penetrate through Canada, were like the land-march of the Athenian generals towards Syracuse. They were equally brave, but their plans being both unjust and wanting wisdom, their fortitude were unjustifiable; and he was very apprehensive, from similitude of circumstances, that the issue would be precisely the same; that of certain ruin and destruction falling on the head of the aggressor.

Viscount *Townshend* said, the two cases were by no means similar. Athens was a naval power; while her fleet was triumphant, she had nothing to fear from her foreign foes or rebellious colonies; the fact was, that her fleet was destroyed, before the disaster on land happened. That was not the case with Great Britain. Our fleet was entire and truly formidable, and more than equal to the task of coping with, if not annihilating, any naval force, which all Europe and America, leagued together, could possibly bring against us.

The Duke of *Richmond* observed, that

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this was not a national calamity of the common sort, it was of that greater kind that menaced our political destruction, for general Howe was himself at present, according to his information, in no very agreeable situation, and he had no resource but in himself. What was still worse, England itself was left defenceless, and we might be ruined for want of that security which general Howe's army might afford us. The present calamity had been compared to that of Brihuega, under the conduct of general Stanhope; but there was no similitude; 2 or 3,000 men that were sent only as a detachment, and from unlucky circumstances, were involved in unforeseen and unexpected distress; but the very next day the remainder of the army gained a most glorious and complete victory. This, he said, was something quite different from the present case, when 10,000 men were given to a kind of premeditated destruction, by the imprudence, and obstinate absurdity of the conductors. But this instance had a further application to the present debate, which had not been observed; as soon as the queen received the news of this defeat, though not communicated in the form of official information, she sent to have it told to the Houses of Parliament; as her advisers, and her proper counsellors, she let them participate in the very earliest account, that thereby she might indicate her confidence in them, and procure the most early and expedient relief. Let our armies be brought home, let England be first provided for; let us secure our internal safety and felicity, before we extend our ambition to such savage conquests. General Burgoyne had been applauded for humanity; he was far from wishing to throw so disagreeable a stigma on any character as that of cruelty; but he was well convinced from authentic information, that he, or his army, had been contaminated from the contact of Indian savages serving with them as fellow-soldiers in the field, and associating with them in other scenes of familiarity and intimacy. This, he said, was the cursed effect of associating Christians with savages.

As we could not expect to conquer America, we should seriously turn our thoughts to the home defence. The army under general Howe should be recalled. It was the only army we had to defend this country. France and Spain were vigilant, and only waited for an opportunity to wreak certain vengeance on us. Should they take advantage of our calamities, it was not in the power of human foresight to predict the fatal consequences which might ensue; and he might add, without reserve, that if a change of measures were not adopted, the ruin of this country was inevitable. It had been the paltry narrow-minded policy of the court to divide the friends of liberty, to destroy political principle under the pretext of abolishing the odious distinctions of party. The attempt had proved but too successful. Small, indeed, was the number of men who hung together, yet the time would come when the nation at large would join them. That moment ought soon to arrive, for perilous was the situation of our country. From whence were we to obtain troops? The shambles of Germany could yield no more. On every principle therefore of national defence, though the American war were founded in justice, if the argument of policy had any weight, the instructions called for ought to be given, that parliament and the nation might be enabled to judge of the capacity of those men to whom it had intrusted its dearest interests. In reply to the arguments, that the Indians had been found useful, his grace contended, that exactly the contrary was the case; for that employing of the savages was the very cause of Mr. Burgoyne's defeat. That their cruelties had excited the whole country, men, women and children, to rise upon the British army, and come upon them with staves, pitch-forks, &c. and endeavour to destroy them.

His grace entreated administration to recollect, that we had now no other army but that in Pennsylvania and New York island, and declared he trembled for Great Britain, while that army was on the other side the Atlantic. His grace drew a comparison between the state of men's minds now, and at the time when the noble earl, who made the motion, was prosecuting the last war with so much vigour and success. The noble earl, before he attempted to make the great efforts which produced such abundant glory and honour to this country, had united all men's minds at home, and having the sense of the nation with him, he had, with the greatest ease, put in practice his various endeavours to serve his country; the cause was general; all men, the army as well as the navy, felt it to be so, and thence the happy events of that glorious war. Was this the case now? There was not only

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a difference of opinion in parliament, but a dissention in the cabinet; even the ministry were not of one mind. His grace desired their lordships to recollect, that the question no longer was, how they were to reduce America, but whether they could reduce America. In his idea the war was not more impolitic than impracticable, and instead of sitting in debate, how to carry it on with success, it more materially behoved their lordships to consider how they could put a speedy period to it.

The Earl of *Fauconberg* supported the previous question, arguing, that in point of delicacy to Mr. Burgoyne, it was wrong to begin the enquiry in his absence. His lordship took pains to rescue Mr. Burgoyne from the charge of inhumanity, shewing, that he endeavoured as much as possible to restrain the fury of the Indians, and prevent them from perpetrating acts of cruelty.

The House then divided on the earl of Chatham's motion: Contents 19: Not Contents 40.

The Earl of *Chatham* next moved for, "Copies of all Orders and Instructions to lieut. general Burgoyne, for employing any of the Indian savage nations against the inhabitants of the British colonies in North America."

The Earl of *Abingdon* supported the motion. He said, the war had commenced in tyranny and injustice, and had been conducted upon principles of the most savage cruelty. He called upon lord Amherst to declare what he knew of the matter, as the fact in dispute had been so frequently referred to his decision.

Earl *Gower* could not avoid mentioning one thing, which was, the wonderful inconsistency in the conduct of the noble mover. In a previous debate the noble earl had acknowledged, that Indians were employed in the King's service in America during his administration, and now he reprehended the practice as derogatory from the honour of the nation.

The Earl of *Chatham* rose, and reproached the noble lord with petulance and malignant misrepresentation. The observation he made in the debate alluded to was, that Indians had, indeed, crept into the service from the utility the officers found them of in several of their enterprises, but that their employment had never been sanctioned by him in his official capacity; he believed his Majesty had too much regard for the military dignity of his people, and also too much humanity to have agreed to such a proposal had it been made to him. This remark of the noble lord's was therefore a mere quibble, a misapplication of terms and meaning. What right had the noble lord to comment on political proceedings? Where was he when these transactions were conducting? He was immersed in pleasure, and indulging himself in all the variety of dissipation that young noblemen are too apt to devote themselves to. He was here called to order: he did not sit down, but, changing his subject, he called upon the noble lord who had conducted the expedition, to explain to the House, whether or no any such instructions were contained in the orders that he, during that war, received officially from him.

Earl *Gower*, after returning the asperities of the noble earl, declared, that nothing should prevent his speaking his mind freely. That he despised the conduct of those lords who affected great humility in the very moment when they were throwing out insinuations, the most illiberal, the most unmanly, and the most untrue. He was a plain man, and he ever used plain arguments. He was therefore free to repeat, that the noble earl had himself, while at the head of administration last war, not only employed Indians, but employed them under instructions and treaties of the most sanguinary tendency; and in order to shew that this assertion was not made merely to catch the public, and serve the purpose of temporary delusion, he would prove what he had said by producing from the Journals of the House, one of those treaties, which breathed the spirit of cruelty in a greater degree than any instructions which government had sent out to the commanders in America, since the present unhappy war had commenced.—While his lordship was searching for this treaty, a strange confused altercation took place, which, however, was put an end to by reading the extract, which was a treaty with an Indian nation, one condition of which was, that they should kill and scalp every Frenchman who came within their country. Though the French were then at war with us, he presumed, the noble earl, nor no lord present would say, that they were more hostile to us than our rebellious subjects. His lordship added, that the tribe of Indians alluded to were situated on the back of South Carolina. He believed it was during the government of Mr. Lyttelton.

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The Earl of *Chatham* denied he ever had. Savages might have been employed; but he denied he knew any thing of the matter; and called upon the noble lord, who at that time commanded in America, to declare the truth. The question was not, whether Indians were employed in Canada the last war; but whether they were employed in the line, in the manner it was presumed they were now employed.

Lord *Amherst* rose with seeming reluctance. He said, he had hoped that what had been drawn from him the first day of the session, would have proved satisfactory to the House. The fact was, that the French employed Indians the last war; and we followed their example; and that most certainly he should not have ventured to do so, if he had not received orders to that purpose.

The Earl of *Shelburne* observed, that both accounts were perfectly reconcilable. Indians might have been employed. The noble lord who spoke last, might have had orders to enter into treaties with and employ them; and yet the noble earl might be fully justified in his assertion. The orders were probably conveyed to the noble lord, who then commanded in America, through the channel of the Board of Trade; and not through that of the Secretary of State. Indian treaties, and all the affairs relative to the superintendants for treating with the Indians, passed, while he had the honour to preside at the board, through the Board of Trade. It was so most probably at the period alluded to; and for his part, he well recollected, he made it a point, as much as possible, to keep all the official business transacted there as much a secret as possible from the Secretary of State. While he was up, he would take an opportunity of observing the savage mode which had been adopted in conducting this cruel war throughout. Cruelty and injustice were its leading features. The French officers, taken prisoners going to America, had been inhumanly treated; and as to the American prisoners in England, they were treated with the most unprecedented barbarity. If we were not generous, we should endeavour to imitate the generosity of America. It would become the humanity of the English nation to open a subscription for their relief; whenever it was opened he would contribute his mite.

Earl *Gower* rose again, and protested, he would not be daunted by the dictatorial manner of the noble lord: he was an honest man, and spoke like one: he did not indeed possess in an equal degree the faculty of eloquence; he could not pour forth tropes and fine words in such abundant profusion, but he possessed as good an understanding as the noble lord: that it was the noble lord who had recourse to mean evasions; for that connivance was certainly a tacit acquiescence in the propriety of the measure; and that being privy to their employment, and giving a public sanction to it, was rather a difference in words than in things. If private characters were to be enquired into, he believed his would stand the test as well as his lordship's; and that the imputation of variety might, with as much justice, be applied to him.

The Earl of *Chatham* rose, and, with great appearance of humility, congratulated his lordship on the goodness of his understanding; far was it from him to suppose himself a competitor in abilities with the noble lord, who had so ingeniously affirmed, that giving an order, and not giving one, were words of synonymous signification. He added a few words relative to his own life, which he acknowledged to be various enough; and wished, that the noble lord who then commanded in America, would put an end to the altercation, by telling the House his orders, and who he had them from.

The Duke of *Richmond* contended, that the order read by the noble earl from the Journals was nothing to the purpose. It was the right of war, a necessary duty created by that state, to keep our territories free from the enemy; but murdering defenceless people, or prisoners of war, was an act of a very different nature. His grace also argued the great difference between presenting a bayonet to a man's breast in action, and torturing men, women and children with the knife and tomahawk in cold blood and in captivity. His grace denied, that the assertion that the Americans had first employed and attempted to employ the Indians had been proved.

The Earl of *Dunmore* asserted, that he himself had been attacked by the Indians, set on by the Americans, and that a party of them had attacked the northern army, by whom one of them was killed.

The Duke of *Richmond* said, this was no answer: he had heard indeed of a negro and a highlander having been tied together, but an assertion that one Indian was killed by the northern army, did not

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prove that the Americans employed the Indians first.

The Earl of *Denbigh* attacked lord Chatham, and called him the great oracle with the short memory, asserting that the Indians were employed last war, that the returns of the army must have shewn it, and that as his lordship, when in office, always contended for guidance and direction, he could not be ignorant of the matter if he had not lost his memory.

The Earl of *Dunmore* declared that the Virginians had used every effort to induce the Indians to join them, and that the chiefs of one of the Indian tribes to whom they applied, had made answer, "What, shall we fight against the great King over the water, who in the last war sent such large armies, and so much money here, to defend you from the devastations of the French, and from our attacks? No, if you have so little gratitude, we will not assist so base a purpose." His lordship added, that the Virginians, finding themselves thus disappointed, had dressed up some of their own people like Indians, with a view to terrify the forces under him; and his lordship declared, he heartily wished more Indians were employed; that they were by no means a cruel people; that they never exercised the scalping-knife, or were guilty of a barbarity, but by way of striking terror into their enemies, and by that means putting an end to the further effusion of blood.

The Duke of *Richmond* said, he wished not to employ savages, who wantonly tortured our fellow-subjects with the scalping-knife and tomahawk, and were then to be defended on the ground of having been "cruel only to be kind," of having committed murder, cold-blooded murder, in order to put an end to a war in which they had no interest.

The Earl of *Dunmore* rose again to shew how much the Americans exceeded the Indians in barbarity, instancing a great variety of circumstances, and among others the fate of colonel Campbell, to prove that they did not even affect humanity, but were most industriously cruel, most wantonly inhuman.

The Duke of *Richmond* believed there had been very dark and bloody proceedings in the scene of action alluded to, and trusted a day of enquiry would come, when these horrid transactions would be enquired into, and the authors meet with condign punishment, if they should be found to deserve it.

The Earl of *Dunmore* replied, as far as the allusion might be meant to affect him, he was ready to submit his conduct to the most rigorous enquiry; and the sooner the better. He had done his duty as a servant of the crown; and as to his personal conduct, he defied his enemies; for he was fully conscious of having behaved like an honest man.

The Earl of *Chatham* again called on lord Amherst to know, whether he had any instructions from him as secretary of state.

Lord *Amherst*. I was desired to make treaties with the Indian powers; I was charged with it in my instructions.

The Earl of *Chatham* still persisted in declaring his ignorance of any such instructions; and said, he was sure, they did not pass regularly through his office, nor were ever signed by the King.

The Earl of *Suffolk* said, that all instructions to governors and commanders in chief necessarily came through the office of the secretary of state, and were countersigned by the King.

The Earl of *Chatham* rose finally, to beg, that lord Amherst would favour him with a copy of the instructions sent to him last war, which authorised him to employ savages.

Lord *Amherst* said, he would readily oblige him, with his Majesty's permission.

The House then divided on the Earl of Chatham's Motion: Contents 19; Not-Contents 40.

Debate in the Commons on Mr. Fox's Motion for an Enquiry into the State of the Nation.] Dec. 2. Mr. *Fox* informed the House, that, agreeably to his promise, he rose to move the House, that on a future day they should form themselves into a committee of the whole House, to consider of the State of the Nation. He thought it necessary, he said, to explain the meaning and extent of the several motions he meant to propose, which he would do in a very few words. He meant then, that the Committee should consider the expences that the nation had incurred in consequence of the American war, and the resources that we possess to raise the supplies necessary for its continuance. In the second place, the loss of men from that war. Thirdly, the situation of trade, both with regard to America and the foreign markets. Fourthly, the present situation of the war, and the hopes that we may rightly entertain from its continuance,

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and the conduct and measures of the present administration, of a lasting peace, and also our present situation in regard to foreign powers. And fifthly, to consider what progress sir William and lord Howe have made in consequence of the powers intrusted to them as commissioners, by an Act of the 16th of his present Majesty's reign, for granting pardons, &c. for the purpose of bringing about a peace between Great Britain and the colonies. Under these general heads, many other enquiries would arise, and it would be the business of the Committee to follow every path that promised to lead to a thorough investigation and discovery of the real state of the nation. If, continued he, it appears that the nation is in a bad state, and that the late and present measures of administration have reduced us to an extremity, which he was afraid they certainly had, a new system must be introduced, and a new set of ministers appointed; but if, on the contrary, the nation should be found in a flourishing state, and the present measures likely to prove successful, the present system should be, by all means, continued, and the present ministers remain in power; for none, he was assured, but the present ministers, could prosecute the present system. He concluded with moving, "That this House will, upon Monday, the 2nd of February next, resolve itself into a Committee of the whole House, to consider of the State of the Nation."

Lord *North* said he cheerfully agreed to the motion, and would do all in his power to promote the great end he had in view. Nothing would give him more true delight, than to convince the House that the state of the nation was much more flourishing than many of the opposite side actually did, or affected to believe. At the same time he wished to be understood, that his ready compliance with the motion should not preclude him from objecting to papers being laid before the House that might prove inconvenient, or hurtful to the country.

The motion was agreed to: and the House was ordered to be called over on the 2nd of February.

Mr. *Fox* rose again, and moved, "That there be laid before this House: 1. An Account of all the men lost and disabled in his Majesty's land service (including marines serving on shore, and all foreign troops in British pay) by death, desertion, captivity, wounds, or sickness, in any province of North America, since the 1st of November, 1774; distinguishing each year, corps, and service. 2. A List of the different ships and vessels of war, and hired armed vessels, which have been employed in his Majesty's service in North America, since the 1st of November 1774; together with the number of men lost or rendered unserviceable in each ship or vessel respectively, by death, desertion, captivity, wounds, or sickness; distinguishing each head. 3. General Returns of the hospitals in North America, made up from the 1st of November 1774 to the 1st of October 1777; together with the state of them, according to the last returns; distinguishing the numbers of men of all denominations which have died or recovered during the abovementioned period. 4. An Account of the ships of war and armed vessels, appointed as convoys to the trade of this kingdom and Ireland, since the passing in the 16th of his present Majesty, the American Prohibition Act; distinguishing the names and force of the ships appointed, and the particular dates and services upon which they were so appointed as convoys; together with the notices given to the traders of the time prefixed for their sailing, and the actual times at which they sailed respectively. 5. An Account of his Majesty's ships of war which have been employed, since the passing of the said Act, as cruizers for the protection of the trade of this kingdom and of Ireland, the stations of such ships, and how long ordered to continue thereon, with the times of their going to sea, and returning into port. 6. Copies of the last general monthly return of the forces in Great Britain. 7. Copies of the last general monthly return of the forces in Ireland. 8. Copies of the last general monthly returns of his Majesty's forces, as well foreign as British, in North America and the West Indies."—All these motions were agreed to. He next moved for "Copies of all such Papers as relate to any steps taken for the fulfilling of that clause of an Act, passed in the 16th year of his present Majesty, intituled 'An Act to prohibit all trade and 'intercourse with the colonies of New 'Hampshire, Massachuset's Bay, Rhode 'Island, Connecticut, New York, New 'Jersey, Pennsylvania, the three lower 'counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, 'and Georgia, during the continuance of 'the present rebellion within the said colonies respectively; for repealing an Act, 'made in the 14th year of the reign of his

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'present Majesty, to discontinue the land-
'ing and discharging, lading or shipping,
'of goods, wares, and merchandize, at the
'town and within the harbour of Boston, in
'the province of Massachuset's Bay; and
'also two Acts, made in the last session of
'parliament, for restraining the trade and
'commerce of the colonies in the said Acts
'respectively mentioned; and to enable
'any person or persons, appointed and
'authorised by his Majesty to grant par-
'dons, to issue proclamations in the cases,
'and for the purposes, therein mentioned;'
by which, persons, appointed and autho-
rized by his Majesty, are empowered,
under certain conditions, 'to declare any
'colony or province, colonies or pro-
'vinces, or any county, town, port, dis-
'trict, or place, in any colony or pro-
'vince, to be at the peace of his Majesty;'
and also that his Majesty would be pleased
to direct, that a Return of such colony or
province, colonies or provinces, county,
town, port, district, or place, in any co-
lony or province, as has or have been de-
clared to be at the King's peace, pursuant
to the powers of the said Act, be laid be-
fore this House."

Lord *North* said he must object to this motion. He was ready to grant every reasonable information in his power; but he could not consent that discoveries should be made prejudicial to the true interests of this country.

Mr. Serjeant *Adair* could not see what discovery could be made, in the least injurious. None was called for that the Americans did not know already. They must only be withheld, he presumed, because they might prove injurious to administration.

Mr. *Hans Stanley* objected to the motion. Negociations to rebels in arms, must be made, not to the people at large, but to select bodies, perhaps to individuals; and the discovery might draw upon them the vengeance of the others. But, in truth, he knew not that any negociation had been entered into. With rebels in arms, standing up for independence, no treaty of conciliation could be made. The very proposition acknowledged their independence.

Mr. *Burke* observed, that he never knew the noble lord (North) to behave with so much candour and generosity; he had agreed to every tittle of his hon. friend's request; he had published a bond wherein he granted all; but in the end was inserted a little defeasance, with a power of revocation, by which he preserved himself from the execution of every grant he had made. His conduct reminded him of a certain governor, who, when he arrived at his place of appointment, sat down to a table covered with every dainty and delicacy that art, nature, and a provident steward could furnish; but a pigmy physician, who watched over the health of the governor, excepted to one dish, because it was disagreeable; to another, because it was hard of digestion; to a third, because it was unhealthy; and in this progressive mode, robbed the governor of every dish on the table, and left him without a dinner. He exposed the folly of the idea, that we must not negociate with the Americans until they had renounced their claim of independence. Are they not, he observed, in possession? Are they not independent, *de facto*? They possess the whole country of America. What we have, we have gained by arms. If we have a government in America, it is founded upon conquest, since they set up their independence; and as they enjoy the right, *de facto*, and we alone *de jure*, we must and ought to treat with them on the terms of a fœderal union. He instanced the supposition of a treaty with France. The king of Great Britain enjoys the right *de jure* to the kingdom of France; the French king enjoys it *de facto*; he is merely a congress usurper; and yet would it be argued, that no treaty of peace could take place with him until he had renounced his claim? He wished the House to consider the effects that would arise from a renunciation of their independence. By renouncing their independence, the Americans acknowledged their rebellion; by acknowledging their rebellion, they acknowledged their crime; by their crime they were deprived of their rights and obnoxious to punishment. In such case, no treaty could be made consistent with the honour of the British name; so that terms of negociation must be entered into during their independence. He said, that the Act on which lord and sir W. Howe were vested with their commissions, proposed two methods to be prosecuted to bring about a peace; the one by force of arms, the other by terms of conciliation. It would be necessary to inquire if both these methods had been practised; the first, he was sensible had been indeed tried, but he was afraid the second had not, else why were not New-York, Staten and Long Islands, with any other territory we are in posses-

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sion of, restored to the King's peace? Governor Tryon had written to general Howe for the purpose of restoring New-York to the King's peace. General Howe answered, that he could not do it without the concurrence of the secretary of state; and there it stopped. This, he hoped, would be particularly enquired into. He supported the propriety of his hon. friend's motion, on several other grounds equally able and pointed, and hoped he would not depart from a tittle of his proposition.

Mr. *Dunning* highly approved the motion of his hon. friend, and hoped he would persist in it to its full extent. Thus indefinite, the Committee may enquire into every transaction of the commissioners, and from that investigation, every measure of the ministry, relating to the same end, would be laid open. At the same time he owned, if his hon. friend had applied to him as a counsel for advice on the propriety of making such motion, he certainly should have objected to it, and that for this plain reason—that such motions now-a-days produce nothing but an answer. He then reverted to the arguments of Mr. Stanley, in regard to the discovery of individuals by the exposure of papers. He saw no danger that could attend such exposure. If A. B. C. and D. have been engaged in a fair and equitable negociation, what hurt could follow from the discovery of their names? It is not to be supposed, that any unfair treaty has been entered into, for it is a self-evident proposition, that tampering with an individual in an indirect manner, could produce no decisive effect. He begged the House to consider the peculiar propriety of the present motion. The commission to lord and sir W. Howe, followed upon an Act originating in this House; and it was the duty of this House to examine the transactions that had followed their appointment.

The *Attorney General* replied to Mr. Dunning, and was contending against the ill policy of giving such information at the present critical moment; when news came from the Lords, that the ministers in the upper House had agreed to the same motion. This intelligence produced a great deal of laughter amongst the minority, and the whisper reaching the Attorney General, threw him into a little confusion; but having recovered from it, he quitted the defence of administration, and said, that let ministers do as they pleased in this or any other House, he, as a member of parliament, never would give his vote for making public the circumstances of a negociation during its progress. However this did not stifle the laugh, which continued for some time.

Mr. *T. Townshend* said, that government had poorly excused the failure of the first negociation, by saying the Americans had set up for independence, would not depart from that claim, and for that reason the negociation failed. The Congress, on the other hand, declare, that it broke off, because commissioners could not, or would not shew their powers and commission. If the reason on our side be true, what reprehension does not administration merit, for not sending their commissioners before the claims of independence were set up? He averred, that the commissioners were not sent out till six months after passing the Act. This criminal negligence gave rise to the claim of independence; that alone roused them to a sense of their situation, and the danger that hung upon them. He said, he was more surprised at an anecdote, that instant brought into the House, than ever he had been at all the former instances of ministerial absurdity. We are told here, that the papers cannot be laid before the House, because the discovery may be hurtful to administration; they may contain circumstances inconvenient to be known, injurious, and perhaps fatal to the state. Such was the language of the noble lord, and yet, mark the consequence, the motion had passed in the upper House. The papers, and a full disclosure of every hurtful, inconvenient, injurious, and perhaps fatal circumstance, is to be laid before the House of Lords. Is this a language proper for this House? Is this a treatment that the representatives of freemen can bear? We are not to be trusted; we must not know secrets; our superiors, indeed, may search into the state of the nation, but we are too dangerous or too insignificant to be trusted. I will make no further comment on this affair; it is one of those glaring abuses which strike to the heart without elucidation.

Lord *North* assured the House, that, notwithstanding what had happened in another place, he was still of opinion that the motion, as it then stood, was of an extent which sound policy could not agree with. There was one paper in particular which he thought highly improper to be made public, namely, the instructions to

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lord and general Howe. It was dangerous and unprecedented to give such papers to the public pending a negociation. Had the motion been in a more narrow compass, and related only to the steps taken in consequence of their power, he would have readily joined with the hon. gentleman who made it. If the motion was carried in another place, he presumed it might be with such qualification; at all events, he had one consolation: gentlemen would be convinced at least, that it was not from any motives of personal fear or conscious culpability, that the King's ministers had desired to withhold the information moved for. Whatever effect the anecdote brought into the House might have on the House at large, he should, for his own part, adhere to his former opinion. He thought it extremely disorderly to mention what passed in another House, in order to influence the determinations of this. What the other House had granted was nothing to this. The Commons were not to be guided in their deliberations by any extrinsic consideration whatever. They were an independent body, and he hoped they would not change their sentiments, merely on the account of an unauthenticated anecdote. The King's servants in the other House were most certainly intrusted with the secrets of administration: they were consequently competent judges for themselves, what ought, and what ought not to be disclosed; but, for his own part, he still adhered to his former opinion, that no part of a negociation ought to be made public, till it was finally concluded, or broke off.

Mr. *T. Townshend* contended, he was not disorderly: that nothing was more usual, than to take notice of what passed in the other House; that a knowledge of each other's deliberations and generals entiments was the prime motive for relaxing the respecting standing orders of each House, and opening their doors to each other; and that as to the case immediately before them, he should mention a particular circumstance, which happened but a few days before in the other House; when a motion being made for papers by a noble duke (of Richmond) it was objected to by a noble earl in office (Suffolk,) but when the noble duke replied, that a similar motion had been agreed to in the other House, the noble lord withdrew his opposition.

Mr. *Dunning* took merit to himself, for being the cause of continuing the debate, since it had introduced an anecdote of the utmost consequence, and which he hoped would penetrate to the heart of every member. He was sorry that the learned Attorney General affected to be ignorant of the terms minority and majority; he was certain, if he pleased, he could give a very clear definition of them, for he was occasionally an adherent of both. He did not think, however, that the noble lord would be in a minority, unless he had given instructions to some of his adherents to leave him. Here the Speaker called him to order, when he declared, he had broke no point of order, and thought himself justified in proceeding. That the noble lord would be of a majority he was convinced, and therefore he could wish to address himself to the members who would compose that majority. He begged them to consider the manner in which they were treated; they were held unworthy to be trusted with a secret; and yet this mighty secret was thrown upon a board in another place, that every news-paper reader in London might be trusted with it.

Governor *Johnstone* adverted in a ludicrous manner to the artificial passion into which the noble lord had worked himself up: he apologized for him, by observing, that it was nothing wonderful to see a minister very angry indeed, at being left in so awkward a situation. He said, the war had been called the war of parliament; it was made in assertion of the pretended rights of parliament; it was begun, carried on, and supported by parliament, and must be ended by them alone. Where the war originated, there peace should originate—in that House: the propositions of peace must come from them, or there never would be a peace at all. The restraining Acts must be first abolished; those unjust and impolitic Acts, which, by condemning the innocent equally with the guilty, made it the interest of our friends to league with our enemies; and, as a necessary consequence, did actually produce that very independence which now seemed to stand so much in the way of our negociators. He said, the Congress was in general composed of gentlemen as liberal and respectable as the members then sitting with him; there were, indeed, about four or five factious spirits amongst them, who have been enabled to carry their views to the height they have done, by no other means than the violent obstinacy and

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impolitic measures of ministry. If we had not endeavoured to retrench their liberty, they never could have attained—they never would have sought, independence. He took notice of the flourishing state to which America had attained in a very few years before our invasion of her liberties, and imputed that improvement to the freedom of the laws which Great Britain had given her—an epitome of our own government. This was a secret which England first discovered, of rendering her government in the extremities of her wide empire as compact and strong as that of other free nations had been weak and ineffectual—their colonists were slaves; Britain had made hers free as herself. In support of this argument he instanced the continued wars, tumults, outrages, and weakness of our governments in the East Indies—because there is no freedom there—they are governed in Leadenhall-street. He thought it necessary, on account of the very distracted state of our affairs in that country, to give notice, that he would, on some future day, move the House to go into a committee on the affairs of the East India Company.

Colonel *Barré* shewed some humour upon the embarrassment of the noble lord. It was enough to make any premier not only angry, but mad, to see himself reduced to such a dilemma—either to vote that what was proper to be communicated to the Lords, was not fit for the ear of the Commons—or to intreat his friends, who have hitherto carried him through every opposition, to leave him on this occasion in an awkward minority. He wished to know with what grace his lordship could stand up in that House, and say; "the House of Lords, and, through them, all the nation shall know these things; but wisdom and sound policy compel me to keep them a secret from the House of Commons." If the noble lord was of that sentiment, he advised him to carry his patriotism still further, and impeach those ministers, who, contrary to wisdom and sound policy, had dared to betray the King's secrets in the House of Lords. If his lordship would take this step, the colonel was ready to join him, and recommended him for further support to a member then sitting near him (the Solicitor General) who, when he used to divide with minorities, expressed a fondness for impeachments, [alluding to his promised impeachment of lord Hillsborough, for his official conduct, as secretary of state for the colonies;] and now that he was likely to be again in a minority, might probably feel a return of the same inclination. To grant a motion for papers to be laid before one House, and refuse it to another, was such an indignity, as he hoped the House would not submit to. No argument could be offered to reconcile to common sense the rejection of the motion, except the minister would venture to say, that the Lords are above attending to the affairs of the nation; and that papers on their table may lie unnoticed. His lordship's warmth in his present novel situation, might teach him to make allowance for the heat of those gentlemen, who, glowing with a generous fire, with truth and reason on their sides, are often unfortunately in a minority. The minister deserved from them a similar indulgence, when he accidentally found himself in a minority—a cabinet minority! He concluded with congratulating his lordship on his present happy situation.

The *Solicitor General* spoke against the indefinite latitude of the motion. He contended, that the expressions used in the debate of "granting or refusing" information, did not apply to administration, but to the House granting or refusing the propositions which might come from any of its members individually; therefore the words carried no insult to the House; neither was it any indignity to the members, that information should be refused to one House which had been granted to another: if the House desired it, it could not be refused. The question then was, whether the House should judge it proper to grant or refuse what was desired by some of its members. Gentlemen, who thought it a slight on that House to contest the motion an instant after it was carried in another place, should recollect, that whilst they seemed to support their dignity, they were absolutely trampling upon it; and he wondered any gentleman would venture to say, in that House—"the House of Lords have determined to do this, therefore we must do it also."

Mr. *Fox* observed, that the only argument which had been offered against his motion, was now overturned by the vote of the Lords—the danger of betraying secrets. Those secrets were laid open by the resolution of the upper House; it was therefore no longer an argument to be refuted. He would not recede from the literal extent of the motion. The instructions to our commissioners, which

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the noble lord wanted to conceal, were a principal object to him. He was told of a pending negociation; it had already been pending for two years, and if it were to continue for twenty more, the same reason would hold good till then, against an enquiry into the reasons why it had not succeeded. As yet no visible good effect had been experienced from granting the instructions, except the income of 100*l.* a week to each of the commissioners. The noble lord said, he had mentioned that those instructions had been moved for before, and refused for the reason now advanced. It was not right to disclose them at that time. Is that, then, never to be granted, which has been once refused? Is the glorious right of being ignorant of public affairs never to be given up? Are we to tell our constituents, we are not fit to be trusted with the knowledge of public transactions—that they are only to be communicated to the House of Lords? I may be told, said he, we are contending for a very trifling matter, and that when all the steps taken towards a pacification are laid before us, they will amount to nothing: their effect will, of course, be nothing. Yet, I contend, that those two nothings will amount to something. You know, Mr. Speaker, that in your profession there is a form of returning a writ *nihil*; yet, Sir, you well know, that a return of two *nihils* amounts to a *scire facias*, which is a powerful something. Now, the something that would be produced by the two *nihils* which may be returned to us upon the present enquiry, will be a conviction to the nation, as well as to this House, of the incapacity or absolute disinclination in administration to put an end to the distractions with which this empire is torn; and enable us to apply an effectual remedy to those disorders, before the folly, madness, or wickedness of ministers shall have brought us to a state of irretrievable ruin. By shewing us the causes why past negociations have failed, it will point out a mode of proceeding, which may be free from those difficulties that have caused our past miscarriages. Convinced, perhaps, of the inefficacy of violent remedies, we may learn, though late, to prescribe lenitives. For the two years that a certain noble lord (G. Germain) has presided over American affairs, the most violent, scalping, tomahawk measures have been pursued:—bleeding has been his only prescription. If a people deprived of their ancient rights are grown tumultuous—bleed them! If they are attacked with a spirit of insurrection—bleed them! If their fever should rise into rebellion—bleed them, cries this state-physician! more blood! more blood! still more blood! When Dr. Sangrado had persevered in a similar practice of bleeding his patients,—killing by the very means which he adopted as a cure—his man took the liberty to remonstrate upon the necessity of relaxing in a practice to which thousands of their patients had fallen sacrifices, and which was beginning to bring their names into disrepute. The doctor answered, "I believe we have, indeed, carried the matter a little too far, but you must know I have written a book upon the efficacy of this practice, therefore, though every patient we have should die by it, we must continue the bleeding for the credit of my book."—He asked the noble lord, who had often held Mr. Washington and his army very cheap, what idea he entertained of their courage and abilities since he read the accounts arrived that very day?

He said, a few days ago he dropped a suspicion of some division in administration, conceived from the circumstance of reading the King's Speech at the house of a certain noble lord on the day before it was delivered in parliament. The premier then contradicted him, and talked largely of their unanimity; but, now, his words were verified, from the different sentiment of ministers in the upper and lower House: and hence he was warranted, he thought, in drawing this conclusion—that he, whose sentiments seemed most reasonable, was the most inconsistent in his conduct. The noble lord at the head of the Treasury always professed a disposition for peace; yet would not give any proofs that he had taken a single step towards obtaining it: but the minister in another House had ever declared, that it was his opinion nothing ought to be done by us towards a pacification; he, therefore, shewed no objection to produce papers, which, in testimony of his consistency, would shew that nothing had been done. The hon. gentleman concluded with a suggestion to those members who talked sometimes of being independent in their principles, though they constantly supported administration;—telling them, if they did not on this occasion stand up for the dignity of the House, they could never after wipe away the imputation of being mere puppets to the minister, without one principle of reason, pride, or honour.

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Governor *Pownall* said, he had no intention of mixing in with the debate of this day; but as he never had let any opportunity of speaking pass, when the subject of peace or conciliation came upon the tapis; and as he most devoutly wished to see peace between this country and America, he did presume to offer himself to the House. He said, he had something which he conceived to be of the last importance to communicate to the House, on this very point: he did not care whether the papers asked for were granted or not: not that he would stand in the description made by a learned gentleman, of those who were supposed to confess themselves unworthy of having these papers communicated to them; but really, because the papers asked for, from the commission, down to the lowest draught, were of so little consequence, that he thought them unworthy of the House, so far as respected the subject of peace. That even the act of parliament itself was of no import to that point; for, under the powers of this Act, the government of this country could not treat with the Americans but as subjects. In this view of it, questions have been asked, Had lord Howe powers to treat? or did the Americans refuse to treat? Lord Howe, he said, could have no powers to treat with them on the ground which they insisted to take; and they refused to treat on any other ground. They did not only refuse it then, but five months after. After general Howe had finished his campaign of 1776, the Congress came to resolutions to instruct their commissioners at the several courts in Europe, to assure those courts, that notwithstanding "the artful and insidious endeavours of the court of Great Britain, to represent the congress and inhabitants of the United States, as having a disposition again to submit to the sovereignty of the crown of Great Britain, it is their determination, at all events, to maintain their independence." He then produced a copy of the resolve, dated Dec. 30, 1776, and read it to the purport above. Here, said he, what terms will the gentlemen in government, on their side the House, offer? What terms will the gentlemen on the other side desire to meet these propositions? Will they also make this artful and insidious representation of the disposition of the Americans? I know, said he, that what I have said, and what I shall say further, will displease gentlemen on both sides; but I have no managements to keep, either with individuals or parties of men: I have none to oblige; I have none to fear. On occasions like this, I shall look not to men, but to things, and in that line shall inform the House, and perhaps the nation, for I do not see that they have yet learnt it, of a very serious truth. That the House may not think that I am hazarding opinions, and talking at random, I will beg to remind them, that nine years ago, in the years 1768 and 1769,* when you were beginning the quarrel that has brought on this horrid and destructive war, I did explain to the House, not in general words, but by a particular detail, the state and circumstances of America, and its inhabitants; and from thence described the issue of this business literally and precisely as it has turned out in every event to this great and interesting one. There was nobody, at that time, who knew so much of the matter as myself; and I thought it my duty at that time; I spoke out, without management or reserve. The House did not care to believe it, and were less willing to hear it: I was not well heard, yet it was true; it has proved true in almost every iota. When, upon your sending troops to Boston, the Americans were driven to war, I first informed this House, and I believe government also, that the Americans were not unprepared to meet any event; that they had foreseen what must come, and were prepared both in civil as well as military arrangements, to conduct their own affairs, and to resist your measures. I then informed the House of the very constitution by which they now act, under the Congress. I then informed the House of their having planned and modelled an army: the House did not care to understand, though they did not disbelieve me.

I now tell this House and government, that the Americans never will return again to their subjection to the government of this country. If the paper which I have just read be not sufficient proof, I may, perhaps, on a future occasion, explain something of still more importance. But this must be conviction to any person, who understands the course of affairs. A people, whose affairs are interwoven and so connected as the affairs of the Americans are with several European states, pledging themselves to those states in this solemn manner, are engaged beyond all possibility of retreat. On this ground, as

* See Vol. 16, pp. 494. 605. 610.

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well as from the conviction of many other matters which my mind possesses, but which the present is not the proper time to explain them in, I now take upon me to assert directly, and in terms, that your sovereignty over America is abolished and gone for ever. I could say the same of your Navigation Act; but I will not enter upon that subject, particularly on this occasion. The House seems unwilling to be told this. I will only repeat what I said on a like occasion, and upon a like temper of the House—if the House is not disposed to believe this, if the House is unwilling to hear it, they will remember that they have been told it; that they have been forewarned of it; and I repeat as a truth in actual event, the sovereignty of this country over America is abolished and gone for ever; the Navigation Act is annihilated.

Of what use, then, are these papers, commissions, instructions, or any other papers formed under an act of parliament, which supposes that sovereignty to exist? of what use or power is any act of parliament respecting that country? of what import are our debates on this subject? It may be matter of amusement for different sides of the House, to continue endless and fruitless disputes, and abuse one another on this subject; but it is of no import to the Americans; it is of no real import to the point of business in this pressing crisis. Until you shall be convinced that you are no longer sovereigns over America, but that the United States are an independent, sovereign people—until you are prepared to treat with them as such; it is of no consequence at all, what schemes or plans of conciliation this side the House, or that, may adopt. I have at this time told you the fact, which I have just now declared, in order that ye may no longer amuse and abuse yourselves with impracticable ideas. And as of the sovereignty, so I say of the Navigation Act. You must no longer expect to reason, or act, as though that still existed, or would be any longer permitted to have effect. The Americans have repealed it, and it is annihilated with the powers of Europe. Those persons who hear me, may remember, that at the beginning of this business, I told them, that the House of Bourbon only wanted an occasion to dispute the ground of our Act of Navigation, and that they would insert themselves in this business (if they had no other views) to this very point. We have given them the very occasion, and have they not inserted themselves in the business? If you were at this moment in treaty with America on that point, it is not in her power to grant you terms consonant to that Act; they could meet you only on such terms as are not contrary to, and incongruous with, their engagements with France. Desirous as they were of a commercial treaty with Spain, "they could not propose any terms to his Catholic majesty, but such as were not inconsistent with their engagements with France, or disagreeable to his most Christian majesty." In the very same predicament must they meet you whenever they come to treat with you. To speak precisely, they have not as yet any actual, definitive treaty with France, but the two powers are under stipulations and convention, in which they perfectly understand each other. All the treaty that this country can ever expect with America, is fœderal, and that, probably, only commercial. In such treaty, perhaps, you may obtain favourable terms; but exclusive terms of trade you must never more expect. They are determined to maintain their independence at all events. The Dutch, in their distress, hawked about the offer of the sovereignty of their country. They offered it to the duke of Anjou; they offered it to Henry the 3rd of France; they offered it to Elizabeth of England; but the Americans will never offer that of their country to any power on earth. They have a quite different measure in reserve; which perhaps I may on some future occasion explain. They are determined at all events to be independent; and they will be so. All, then, that remains for us, if we mean to adopt what is really practicable, is to take such ground as is actually left to us. Let us appoint a committee to take into consideration, and revise all our laws respecting the government, revenues, and trade of America, and of our commerce in Europe. And let us, on such revision, adapt our laws to our actual, not our imaginary state. I was once called upon by a noble lord, who is, I am sure, as uniform in his wishes for peace, as he is in his spirit for conducting the war, to propose such a committee two or three years ago. I wish it had then been come into. I will now, in my turn, call upon that noble lord. This, in my opinion, is the only thing we have left to do, or can do. As to the papers called for, they are of no more consequence than so much waste

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paper. Nothing can have been done, nothing ever will be done in that line; so I care not whether the House grants the motion or not.

Lord *George Germain* declared, that he had never said that the Americans were a dastardly or a cowardly enemy. He had, indeed, ever asserted, that with equal force general Washington could not stand before the British troops, who were at this day perhaps the bravest in the world, and had in the present war performed services unequalled in the history of empires. This was his belief, and the news just received had given him no reason to alter his opinion. General Washington's force was 15,000, not speaking of the militia; general Howe's numbers were but 13,000 rank and file; yet he defeated the continental troops. He was sorry to say, that however favourable the accounts just received might be, nothing decisive had happened. General Howe had been victorious in two general engagements; the first in his march to Philadelphia, which was taken possession of by the King's troops on the 25th September; the last, when the rebels attacked our camp, and were repulsed with great loss. He bestowed the highest encomiums on the abilities of the generals, and the bravery of the troops; and particularly on the gallant behaviour of sir Harry Clinton, in an expedition up the North River, in which services had been performed scarcely entitled to credit, if they had not been authenticated beyond a possibility of doubt. The only check the troops had received, was in the attack of a fort near Philadelphia, on the banks of the river Delaware, which unfortunately miscarried; but even in that affair, nothing was to be imputed to misconduct, or want of bravery; but was merely the effect of those accidents to which the best planned operations are liable. As to the question before the House, he always understood, that no part of a negociation ought to be disclosed while it was depending. If the powers of the Act for appointing commissioners to treat with our subjects in America, were inadequate, that might be a good reason for enquiring what had been done under those powers, and applying to parliament for more extensive ones. Nothing of the kind had been so much as hinted, by those who had been intrusted with the execution. On the contrary, the Congress resisted all steps towards conciliation at the very threshold; they refused to treat upon any other terms but being acknowledged an independent assembly, the full representative of the several independent states who appointed them. Various opinions had been given from different sides of the House. The hon. gentleman who spoke last, was of opinion, that America would not treat, unless we acknowledge her to be independent; that we were unequal to reduce her by force of arms to obedience: and that the most we could now expect was to enter into a fœderal alliance with her upon commercial principles. As to the practicability of reducing our rebellious subjects in America by force of arms, great as our resources, powerful as our fleets and armies, and brave and able as we were, he began to despair of success if they should continue united; but still, for his part, he should think himself highly criminal, if he advised, or co-operated in any measures for entering into a fœderal union with rebels. If they could not be brought back to a state of constitutional obedience, he should for his part be much better pleased to break off all political connection whatever with them, than stoop to the humiliating condition of submitting to what terms they might think proper to grant. Though he differed from the hon. gentleman as to the proposition of a fœderal commercial union, he heartily acquiesced in his sentiments respecting the ultimate views of the colonies. He believed, they were the same from the beginning; that they aimed at independence; and that nothing short of that would content them. If parliament were willing to relinquish the sovereignty of America, he would cheerfully acquiesce, because it was his duty; if, on the other hand, parliament saw the necessity of prosecuting the war upon the mere principle of self-defence, it would follow, that the most decisive exertions should be made; for he was certain, nothing short of those would answer any effectual purpose. Campaign after campaign, battle after battle, would never answer, and might in another view be attended with great danger. America was almost ruined, and suffering under every species of human misery. The idea of a permanent separation from this country might probably detach numbers from what they deemed a just cause, while security of their rights, and a modification of our claims, was what alone they imagined their leaders had in view. If, therefore, means could be devised to prevent the secret assistance they received from

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some of the powers of Europe, he still retained an expectation, that they might be compelled to return to their duty. The hon. gentleman who spoke last but one had represented him as delighting in blood: he begged leave to assure him, he was entirely mistaken; he always abhorred the effusion of blood, could it have been possibly avoided. He was equally mistaken relative to his imputed ideas about unconditional submission. No man was ever more ready to give way, even to the prejudices of America than he was, but he could never learn, how it was possible to treat with subjects in arms, till they acknowledged the relation, which could be the only foundation of treaty; namely, that they were subjects. This was his decided opinion before he came into office; he had been uniform in his language.

General *Conway* observed, that the noble lord said, if the colonies should continue united, the strength, prowess, and resources of this country, however great, were unequal to the task of subduing them. The noble lord does not say, they are not united; yet his lordship, according to his own argument, is for prosecuting the war without the least prospect of success. He believed, if parliament would once adopt pacific measures, matters might be yet amicably settled; we might recover the monopoly of the American trade, which was all we ever had a right to expect; and become once more, a happy, united, and powerful people. It was probable, if ministers much longer persisted in measures of devastation and carnage, that America would never treat, or acknowledge any political relation whatever; but that no more proved, that they would not now, than every other prediction of theirs, which afterwards by their conduct came to be fulfilled. On the whole, if some proposition was not shortly made, on our part, he should not be surprised, if the people of America ever after refused to hear of accommodation; because were he similarly circumstanced, he should act precisely in the same manner. He concluded by affirming, that all the evils which had since happened, arose from the Act impowering commissioners to treat; the defectiveness of the instructions under that Act; and the delay and neglect in not sending out the commissioner in time.

Mr. *Henry Dundas* declaimed vehemently against the propriety of the motion; and insisted, that to bring America to reason, we must make her feel our power. He said, he was not in the last parliament, and could not consequently judge, how far either party were wrong in the beginning; but since he had the honour of a seat in that House, he had acted uniformly to the best of his judgment, free from partiality or predilection; and that if the same scene was to present itself again, he never gave a single vote that he would not cheerfully repeat.

The House divided on Mr. Fox's Motion:

Tellers.

Yeas	Mr. Fox - - - - - Lord John Cavendish -	89
Noes	Mr. Rice - - - - - Sir Grey Cooper - -	178

So it passed in the negative.

Debate in the Commons on the Army Estimates, and on the Loss of General Burgoyne's Army at Saratoga.] Dec. 3. The House went into a Committee of Supply, to consider of the Army Estimates.

Lord *Barrington* moved, That 20,000 men be employed in Great Britain for the service of the year 1778, guards, garrisons, and invalids included.

Colonel *Barré* desired to know, before any subsequent supplies should be granted, what was the number of troops serving in America.

Lord *Barrington* replied, that the whole army upon paper consisted of 55,095 men, 14,000 of which were under general Carleton, 20,000 under general Howe, and the remaining 21,000, consisting of regulars, provincials, &c. were serving at New-York, Staten-Island, Rhode Island, Nova-Scotia, the West-Indies, Pensacola, &c.

Mr. *Byng* wished to mention a circumstance which occurred to him, on a noble lord's observing, the night before, that general Howe always attacked general Washington with an inferior force. He should be glad to know, whether the 20,000 men, which were now said to have landed with general Howe, were inferior to the number of 15,000 men, which had been stated to be under the command of general Washington. The noble lord yesterday represented the number of our army to be 13,000 men, and general Washington's 15,000. It appeared extremely inconsistent to him that general Howe should attack an army of 15,000 men with only 13,000 men, when the number of his army was actually 20,000. If the account now given by the noble lord

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was correct, we had no great reason to pride ourselves in our superior bravery; as we must have had a superiority of four to three.

Lord *George Germain* acknowledged it was true he had stated the army under general Howe to be 13,000 men, and general Washington's to be 15,000 men, and did so still; but then he neither included in that number the artillery, officers, or wounded soldiers. He only spoke of 13,000 men with arms on their shoulders; 13,000 effective men engaged in battle, and that conquered 15,000.

Colonel *Barré* expressed the greatest surprize at the reply of the noble lord. He never heard so barefaced, palpable, and mean a quibble in his life. Never did he hear a soldier so express himself; never, he was convinced, did a minister of war obtrude on the House of Commons such an assertion. It is deserving of remembrance, and I promise the noble lord it shall be remembered. What, exclude from the list of the army the officers and artillery, because they do not carry firelocks! Are not the officers concerned in the battle? Are not the artillery? Do they nothing towards conquest? The noble lord may have partial experience on his side, perhaps, to prove such doctrine; but I promise him, it would be very ungracious to a British audience, and would gain little credit even in a domestic circle. The colonel then called upon the noble lord to declare upon his honour, what was become of general Burgoyne and his brave troops; and whether or not he had not received expresses from Quebec, informing him of his having surrendered himself, with his whole army, prisoners of war?

Lord *George Germain* said, that he was ever ready to give to the House the most early and authentic intelligence of any transaction within his knowledge; and now, though the recital must give him pain, he knew it to be his duty to inform the House, that he had, indeed, received expresses from Quebec, with a piece of very unhappy intelligence, which, however, was not authenticated, and he could not declare it officially: it had been sent from Ticonderoga to Quebec, and had come to Ticonderoga by the reports of deserters. The tidings were, that general Burgoyne and his army were surrounded by a force greatly superior—cut off from fresh supplies of provisions, and unable to pierce through the numbers of the enemy, —so situated, he had been forced to capitulate, and had surrendered himself and his army prisoners, on condition that they should engage not to serve during the war in America; should have a safe conveyance to the water-side, and have leave from thence to return to their native country. It was a most unfortunate affair; but, he hoped the House would not be over anxious in condemnation, nor decide on the propriety or impropriety of the concerted plan that led to this unhappy event. He hoped they would suspend their judgments both on the conduct of the general and of the minister on this occasion. He hoped the conduct of both would appear free from guilt. For his part, he declared he was ready to submit his conduct in planning the expedition to the judgment of the House. If it appeared impotent, weak, and injurious, let the censure of the House fall upon him. He was ready to abide it; as every minister, who regarded the welfare of his country, ought at all times to have his conduct scrutinized by his country.

Colonel *Barré* rose again, and in a most animated, severe manner, reprehended the noble lord. He declared he was shocked at the cool, easy manner in which he related the fate of the brave Burgoyne. He was more so at the assurance of insinuating that a portion of the blame might lie at the door of the general. Was there, he exclaimed, a man in the House who in his heart could say, that Burgoyne had failed through his own misconduct? That he had shewn the least sign of cowardice, the least symptom of neglect in the expedition he was thrust into? He was certain, there were none would say so. But every man would say, or at least every man would think, that the man who planned the expedition was to blame. The minister alone who concerted the scheme, was obnoxious to reprehension for its failure. It was an inconsistent scheme, an impracticable one, unworthy of a British minister, and rather too absurd for an Indian chief. Remember how frequently, how earnestly, how sincerely, I have warned the minister of the effects of this plan. I foresaw the consequences. I foretold the event. It was said I spoke in prophecy: has not my prophecy come to pass? But in what terms can I express my surprise at the bravery, my indignation at the effrontery of the noble lord, in declaring he will abide the censure of this House, and submit his conduct to their eye. Does the noble lord know the extent of his crimi-

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nality? Does he know the resentments of this House? I believe he knows neither; but how soon he may it is not for me to determine. I would beg leave to call the attention of the committee to the conduct of the Americans. They have been branded in this House with every opprobrious epithet that meanness could invent —termed cowardly and inhuman. Let us mark the proof. They have obliged as brave a general as ever commanded a body of British troops to surrender; such is their cowardice! And instead of throwing chains upon these troops, they have nobly given them their freedom; such is their inhumanity! I only wish, from this single circumstance, to draw this fair conclusion, that instead of a set of lawless, desperate adventurers, we find them, by experience, to be men of the most exalted sentiments; inspired by that genius of liberty which is the noblest emotion of the heart, which it is impossible to conquer, impracticable to dismiss.

Mr. *James Luttrell.* I think it my duty to take every opportunity of repeating my abhorrence of the mercenary and savage principles of a civil war, which has never yet held out constitutional terms of peace to be its object: and as I do conceive, that whilst unconditional submission is the language of the ministers and parliament, all efforts to conquer America must prove in vain, I cannot agree to vote away the lives and properties of my fellow-subjects, merely for the purpose of aggrandizing a few favourites and flatterers placed near the throne. The Americans, it is evident, will not give up their liberties, they will die first; all the eloquence of a Cicero cannot persuade us, that the unfortunate, misled Burgoyne is victorious; that general Clinton is in desirable safety: or justly give the boasted title of conqueror of America to sir W. Howe, yet the latter is represented with a great and powerful army in the field; he wants neither for money, nor ships, nor troops; he wants but the only one necessary article for consolation in defeat, or permanency and advantage in victory, I mean a just cause; and Great Britain never, never, can build up fame or dignity to itself, upon acts of injustice and oppression.

But ministers have hopes of important success. Sir, that language ought at least to imply, some honest, wise Americans may, upon sound principles, be induced to return to their allegiance; but is there a gentleman, that would candidly acquit the abettors of unconditional submission, of deserving the slavery you endeavour to yoke them with? Is it to obtain such a humiliating end, that the American now consoles himself for the loss of a father, friend, or brother, who fell in the battle? No, Sir, it was for liberty they fought, for liberty they died; that only can repay the loss, and obtain forgiveness of the murder. The Revolution which brought the present family to the throne, was obtained by men so resolved; our Magna Charta was obtained by men so resolved; and the Americans have not proved themselves less deserving of their liberties, than those Britons. An American Magna Charta is what they wisely contend for; not a Magna Charta to be taxed by strangers, a thousand leagues distant. But the constitution of this country, if in perfection, if uncontroverted by bribery and abuse of power, is acknowledged to be one of the happiest that men can live under; therefore, I do believe, that many wise and honest Americans may, upon sound principles, prefer it to any new invention of their own. I do not say the Congress would, nor yet many of their ambitious leaders, nor yet perhaps the virtuous Washington; but if constitutional freedom was secured to America, every victory might then gain over some worthy friends to our cause, instead of cowardly deserters, deceitful spies, or false and dangerous pilots.

But ministers tell us that England is rich, and foreigners may be hired to carry on the war: what Briton would give up his laurels to those paltry hirelings, and save our blood? Sir, if honour called to arms, what minister dare to propose it? Neither are the Germans as cheap as is pretended, for you must now pay their hire, and when the war is at an end, you must likewise pay a large additional sum for all those who do not return home. Sir, I do not think the Germans will return, for I must pay the compliment to these ministers, that I do believe, even they are incapable of making such a constitution for America, that the Germans shall fly from it to better themselves, by returning to their own native, infamous shambles, to be again sold by their tyrannical, petty princes. But our important hope is to be gratified by the possession of Philadelphia. Sir, that town was built for peace and trade, not for war. It extends itself upon a low, flat country, with scarce one advantageous spot of

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ground to place a single gun on for its defence; therefore, to surround it with great works to secure yourselves in winter quarters, must create an immense expence, besides the lateness of the season making such an undertaking almost impracticable to be carried into execution. It is then a glorious conquest to those who may enrich themselves by that new expence, but a calamity to those who are to be taxed for that new extravagance. Or do we wish to be in possession of the most beautiful town in America only to set fire to it? Are the British legions gone forth merely to warm themselves by the burning towns upon the coast? Can bishops persuade us, their smoke shall rise to an approving God, or on earth celebrate the dignity, the wealth, the honour, the humanity of the British nation?

But ministers are very brave to-day, they are ready to seal with their blood the mischief of their counsels; and whilst they are so loudly supported by a majority of parliament, that language sounds well. But I must beg leave to remind them of a story which is related of a certain general and statesman, who drew all his former friends about the court, with the heads of birds and beasts upon their shoulders. He drew his mistress with the head of a swallow, and he wrote this motto underneath, 'Je fuis le mauvais temps,' alluding to her having forsaken him in his misfortunes. Let ministers beware, lest the swallow's head and that motto should best suit the most strenuous and forward of their present advocates. For, Sir, had I an hundred tongues, and the eloquence of much abler men than myself who speak within these walls, I could not sufficiently express all the horrors, all the mischief, all the ruin of this savage war; but this I will say, that whilst such desperate, unfeeling ministers, advise his Majesty, with such an expensive war to carry on, without an object of advantage in return, with such a cause to disgrace the British arms, and spill the best blood of this country, what man in his senses can be satisfied with the times, or can agree to vote for a perseverance in measures, which have already produced such dreadful disgrace and calamity, that Great Britain is shook to its foundation?

Mr. *Burke* thanked the two hon. gentlemen, who had spoken before him, for having afforded him some time to calm the tumult and perturbation in his breast, occasioned by the information given to the House by the noble lord. A whole army compelled to lay down their arms, and receive laws from their enemies, was a matter so new, that he doubted if such another instance could be found in the annals of our history. The effrontery with which it was told, excited no less astonishment than indignation. Ignorance had stamped every step taken during the course of the expedition; but it was the ignorance of the minister for the American department, and not to be imputed to general Burgoyne, of whose good conduct, bravery, and skill, he did not entertain even the shadow of a doubt. The noble lord said, '*if* there was any blame to be laid.' Without blame somewhere, could an entire army be reduced to the painful, the distracting necessity of laying down their arms, and becoming prisoners of war? With the general and his troops, he was persuaded, there was no fault to be found; that it could be traced no where but to the noble lord, whose ignorance was not brought as an extenuation, but as a justification of his crime.

The Americans had, he observed, been always represented as cowards; this was far from being true; and he appealed to the conduct of Arnold and Gates towards general Burgoyne, as a striking proof of their bravery. Our army was totally at their mercy. We had employed the savages to butcher them, their wives, their aged parents, and their children; and yet, generous to the last degree, they gave our men leave to depart on their parole, never more to bear arms against North America. Bravery and cowardice could never inhabit the same bosom; generosity, valour, and humanity are ever inseparable. Poor, indeed, the Americans were, but in that consists their greatest strength. Sixty thousand men had fallen at the feet of their magnanimous, because voluntary poverty. They had not yet lost all regard for the country from whence they sprung: anxious still for our home-defence, they had sent us back our troops; and left their hands free to fight against every enemy of Great Britain, but themselves. He reproached the noble lord for his misconduct and foolish credulity. He said he was astonished at him. In the beginning of last year, the noble lord informed them, that the enemy were cowardly, and our army superior in number. On what did he ground this information? On report, mere idle report, to which the noble lord was always an implicit slave. He said, that the information on which mi-

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nisters confided, should be precise and certain: that misinformation was no palliation for their errors; and he did not imagine that the House would admit it as such. He said, the intended measure was a conjunction between Howe and Burgoyne, but that it was to be produced in the strangest manner he had ever heard of. The armies were to meet—yes; Howe was travelling southwards, and Burgoyne in the very same direction! The advocates for administration, he said, had delighted in representing America in an abject situation—as being without salt, without shoes, without a rag on their back, without stockings, &c. If the House had applied to him in the beginning of the war, he could have told them of many more wants than all those together under which the Americans laboured, but he could also have informed them, that men fighting for liberty were not influenced by such particulars; that these only affected the body, but that the souls of the Americans were unreduced. He concluded with a few words on the Solicitor General, whom he called the counsel to the noble lord. Upon this

The *Solicitor General* rose, and described his own political character: his opinions, he said, were genuine; they were his own; he never spoke the sentiments of any man, but those only which his own reason suggested; nor did he ever in that House plead the cause of any man. He had been invariable in his opinion, as well on one side of the House as on the other; and not seldom differed from both. The calamity, he could not deny, was great; but he could not infer from it that our condition was desperate. We had often received checks; but the spirit of the nation had always made us rise superior to our distresses: an exertion of that spirit would, on the present occasion, infallibly rescue us from danger. Britons ever shewed magnanimity in distress; and certain victory was the sure consequence of that spirit: he wished therefore, that gentlemen would not be cast down: that before now as great misfortunes had happened to us, from which we reaped substantial advantages. As to the fact of a whole army surrendering, which had been described as unprecedented, the annals of this country had furnished a most remarkable instance of it in the reign of queen Anne, when after the battle of Almanza, general Stanhope was obliged to surrender, with the whole of the British forces under his command. This, however, did not damp the ardour of the British nation, but urged to greater, and more successful exertions.

Mr. *T. Townshend* condemned the whole of this expedition; the employing colonel St. Leger in the horrid war and devastation, which, with the aid of the savages, he had orders to commit on the provincials. He gave a striking picture of the desolation which would have happened had that officer succeeded; and vindicated the decrees of Providence in the overruling power it exerted in counteracting such a diabolical system of blood and carnage. He likewise spoke very favourably of general Burgoyne, and imputed his want of success to the ignorance and incapacity of those who directed him from hence.

Mr. *Fox* expressed his happiness at being prevented from speaking immediately after the fatal tidings of our disgrace had been communicated to the House: rage and indignation so swayed his breast at that time, that if he had attempted to speak, his words must have been unintelligible. An army of 10,000 men destroyed through the ignorance, the obstinate, wilful ignorance, and incapacity of the noble lord, called loudly for vengeance; and if no one else would take upon himself the task of moving directly for an enquiry into the affair, he himself would do it. A gallant general sent like a victim to be slaughtered, where his own skill and personal bravery would have earned him laurels, if he had not been under the direction of a blunderer, which circumstance alone was the cause of his disgrace, was too shocking a sight for humanity to bear unmoved. The general and the House had been imposed on and deceived: general Burgoyne's orders were to make his way to Albany, there to wait the orders of sir William Howe, and to co-operate with him; but general Howe knew nothing of the matter, for he was gone to a different country, and left the unhappy Burgoyne and his troops to make the best terms for themselves, in a country that was by nature so defended, that strong holds were to be met at almost every mile; and every hour's march presented almost insurmountable obstacles to his progress. He inveighed most bitterly against lord George Germain; looked upon him as solely responsible in the first degree; and next expressed his opinion, that all those who had concurred in the measures of the war, by giving their vote in support of it, were

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likewise criminal, though in an inferior degree. He concluded by pronouncing the panegyric of his hon. friend Mr. Burke.

Mr. *Rigby*, as one of the many who had voted for the war, thought it necessary to say something in his own vindication: and declared, that for upwards of thirteen years he had been invariably consistent: he had been convinced, that Great Britain was supreme over all her dominions; it was declared so, early in the reign of George the 2nd, who taxed the colonies, and acknowledged by them when they submitted to be taxed: from a tax imposed and submitted to, he inferred a right to tax; and from that conviction he had acted when he voted for the war; and he was still of opinion, that every nerve should be strained to prosecute it with vigour.

Lord *North* rose, and expressed his sorrow at the present unhappy news. He said, that no man from the beginning more firmly wished for peace than he had; and that no man would do more to obtain it now: if the laying down his place and honours would accomplish it, he would gladly resign them all. He owned he had been dragged to his place against his will: a place which, while in possession, however disagreeable, he would support to the best of his power. As to the noble lord in the American department, he trusted he had acted on the soundest principles of candour and deliberation. He could not possibly make any objection to the inquiry into that noble lord's conduct, as he made no doubt but he would acquit himself before that House. He concluded with defending the general subject of the American war, by observing, that he thought it entirely necessary that every part of the British empire should contribute to the defraying the common necessary expences. He said the ministers were unjustly accused, when they were reproached with their want of information, for that they had always given the best they could procure; and that he was ready when the general voice of the House should call for it, to explain his own conduct; and that whether we were for peace or war, the present supply was absolutely necessary, as the men must be, supposing a cessation of arms, conducted home.

The Resolutions were then agreed to. After which,

Mr. *Fox* moved for "Copies of all Instructions, and other Papers, relative to the expedition from Canada, under lieutenant general Burgoyne; and also, a copy of such parts of the instructions given to general sir William Howe, as relate to any intended co-operation with lieut.-general Burgoyne."—It was negatived.

Debate in the Commons on the Ordnance Estimates.] Dec. 4. The Report of the Committee of Supply was brought up. On the Resolution that 682,816*l.* be granted for the ordinaries and extraordinaries of the office of Ordnance for the year 1778, being read,

Sir *Philip Jennings Clerke* moved to recommit the report, and said: When I am called upon to vote this enormous supply, I hope I shall not be thought irregular, if I say a few words on the great American business, which is the occasion of the present demand. Shocked as I was at hearing of the fate of general Burgoyne and his army, I did presume to hope, that some possible good might be produced, as it often happens, from great evil. I began to think, that disappointment and misfortune might bring those who have the conduct of our American affairs to a more moderate way of thinking, and incline them to turn their thoughts to that which is the object of almost every person in this kingdom, peace and conciliation. I was justified in that expectation, because the noble lord who presides over the American department, when he came here the day before, with the extraordinary gazette in his hand, full of victory, full of triumph, told us then, it was not yet a time for peace. What does the noble lord tell us now? We are defeated, we must not be discouraged, we must renew our efforts, for there are great resources still left in this country. Neither victory nor defeat, then, are to produce any good to this country; for if victory was not to be the means, I thought defeat might have been. But whether victors or vanquished, according to the noble lord's declarations, we are still to pursue this hopeless, ruinous quarrel. The noble lord has talked of resources still left. Does he think that all the money in this country will be given to support this ill-planned, ill-conducted, sanguinary project? Has he told the country what benefits are to arise from the success of his plans? No, Sir, he has not; but I will venture to pronounce then, that if he was to succeed to the extent of his wishes, no one man in this country could ever obtain the return of a single guinea, for all the blood and treasure which has been already so profusely lavished away

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in this very unnatural contest. Let the noble lord tell them these truths, before he applies for further support. Conscious of a majority in this House, he sits here, and seems to bid defiance to the country; but let me tell the noble lord, there is a spirit still left in this country to resent injury, and resist oppression: I hear nothing even now, but murmurs and complainings in the streets. When I return to the country, I expect to find dissatisfaction and clamour. Let me advise the noble lord to be a little cautious, lest those anathemas which he has been so long thundering out against America, should fall with redoubled violence on his own head. It will appear wonderful that the noble lord, or any man high in office, should so obstinately persist in prosecuting a war against the sense of the people, which must ever be attended with difficulty and danger to the conductors of it, in preference to peace when he might repose himself in ease and affluence; it wants explanation, and to the public it shall here be explained. The true cause is really this; the noble lord knows that he never can make peace with America. The people of that country will have no treaty with him, or any man now in administration. They have long since branded them with the appellation of Tories, and justly have they done it; for they have almost ruined this great empire, by endeavouring to establish an arbitrary, despotic system of government in the colonies. These are the reasons, Sir, why this country and America are both deprived of the blessings of peace; and while that noble lord can shelter himself in a majority of this House, we have little chance to obtain it but by a remedy which would be worse than the disease. The situation of this country then may be pronounced to be truly deplorable, though I hope some means may be yet thought of to extract us from our present difficulties, even to the satisfaction of all parties. I have no personal dislike to any gentleman in administration. I wish them all well, but I wish them well out of their offices. May I be allowed to make a proposal, which I think might be very advantageous to them and to the public?

There is an establishment in the sea service calculated to support superannuated officers, or who wish to decline further service. Now, if an establishment of that sort could take place, and an appointment made for ministers who have proved themselves unable and unfit for service, I think it would, in the present case, remove all difficulties. An appointment of yellow flag ministers would be no very extraordinary expence; perhaps a hundred thousand pound a year or two, might be sufficient to pay the salaries of all the gentlemen now in office. It would be an easy composition for their past services. The nation would save many millions a year by it: we should be restored to the blessings of peace: our ancient grandeur would again revive under the auspices of those great men who have formerly exalted us to the highest pitch of glory. These gentlemen would be in full enjoyment of their emoluments, and would escape the threats and dangers, which hang over their heads, and which must inevitably fall upon them, if they persevere in their endeavour to ruin this country.

Colonel *Barré*. I think it my duty to enquire into the reasons why such a supply is wanted: 683,000*l*. is a larger sum than was called for in the year 1759, that year in which the British name was in its zenith; when her arms were employed in every part of the world. But permit me to repeat to you, Mr. Speaker, the votes for the five first years of the last war. It will serve, in some degree, to shew the extent of the present contest. The ordnance charge for the first year then, was no more than 300,000*l*. for ordinaries and extraordinaries. The second 390,000*l*. the third, 393,000*l*. the fourth, 544,000*l*. and the fifth, which was the greatest year of the British name, no more than 543,000*l*. This, Sir, is a plain unornamented tale. There is no figure of rhetoric so demonstrative and convincing as a figure of arithmetic. Our ordnance charge, this year, the fourth of the American war, exceeds by 140,000*l*. the charge for the year 1759, and is greater than any grant ever made for any one year except 1761, when every resource of this kingdom was strained to an extent unknown before, and incredible even to ourselves; and yet the charge for 1761 exceeds the present by no more than 40,000*l*. I hope we shall seriously investigate the cause of this monstrous charge.

Sir *Charles Bunbury* said, he had formerly been an advocate for lenient measures and a reconciliation with the colonies; every day shewed him more and more the necessity of adopting the advice he had presumed to give. America was invincible; the experience of every campaign added credit to the assertion: our resources have been sounded, and sorry he was to say they were

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not unfathomable: excessive sums are borrowed, and the whole art of financiering ransacked, to find out means of raising the necessary sums to pay the interest. As a country gentleman, he called on his brethren of that denomination to interpose and serve their country; their passive acquiescence to every new burden had made sir Robert Walpole say, that the landed gentlemen were like the flocks upon their plains; they suffered themselves to be shorn without resistance; while the trading part of the nation resembled the boar, who would not let a bristle be plucked from his back without making the whole parish echo with his complaints: what with specious pretences and fair words to the one, and treasury acorns, with which the other was fed, the minister had effectually silenced the hog, and imposed upon the honest simplicity and patience of the sheep.

What America would do now, he would not take upon him to say; but he could assure the House from the authority of a dear, but unfortunate relation of his, the unhappy general Lee, that the Americans would, at the beginning of the dispute, have been perfectly satisfied to submit in every respect to Great Britain, provided they should be at liberty to raise, by what means they thought proper, any sum which the parliament of England should demand of them. He could not tell whether they would make such an offer now: but he would put them to the test; and, by offering them peace, employ the only possible means to subdue them; and that was by dividing them: their independence was carried in the Congress but by a majority of two; it was therefore probable, that a strong party might be brought over, by granting them honourable terms: etiquette, punctilio, and every consideration of that kind should be given up: the public good should overbalance every motive of that nature. The state physicians had employed wrong remedies to cure them; they prescribed blisters, and set their patients mad: for his part, as he was but an humble apothecary in politics, he would apply a healing plaister. It might be objected, that, perhaps, they would not bear it: he would in that case make use both of persuasion and force. The ingredients of his plaister were a repeal of all the laws enacted against them since the beginning of the disturbances; and a positive renunciation on the part of the parliament to any claim of right to tax the colonies. This was a remedy which he flattered himself would still be able to effect a cure.

He alluded to Mr. Rigby's assertion in the committee last night, that he had been invariably consistent in his political tenets for 13 years; for his part, he was of opinion with the author of Tristram Shandy, that what in a good cause should be called perseverance, in a bad one deserves no other name than that of obstinacy; it was possible, that the right hon. gentleman might have been wrong for a great part of the time he mentioned; in his opinion, he certainly was wrong; he therefore did not think he had a right to plume himself so much upon his consistency. He did not approve of the Solicitor General's endeavours to rouse the spirit of the nation to a further exertion, when it seemed already to have been screwed up to the highest key, without bringing us a jot nearer to a conquest of America. He let fall some expressions rather injurious to the consistency of general Conway's politics.

He said, so long as there was a prospect of success or any real advantage from conquest, if we should prevail, he supported the measures of administration; but when it was acknowledged to be impracticable, by the very minister who had the conduct of our American affairs; and that the noble lord owned, that if we should subdue America it would not be worth keeping; he could no longer, consistent with his conscience, vote for a continuance of measures which could be productive of no good; and would, if persisted in, most probably bring on ruin and destruction. The contest with America struck him in this light before he heard it acknowledged by the noble lord. Towards the conclusion of the last session, he was persuaded of the truth of what he now said; and as soon as he was, he most earnestly recommended peace. He now did the same; and sincerely wished, that some person in his Majesty's confidence, having the salvation of his country at heart, would advise him to consider of the impending calamities, which threatened this country, should the present ruinous system be longer pursued.

Mr. *George Onslow* insisted, that it was better to lose America by arms than by treaty; negociation would put an end to any further claim, while even a total defeat did not preclude us from renewing the war whenever we should find ourselves able to prosecute it with a probability of success:

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the consequence of American independence must be the loss of Newfoundland, and all our sugar islands; for by their alliance with France and Spain, their united fleets in that part of the world would be much too powerful for any force we could keep there. He voted against the repeal of the Stamp Act; because he was of opinion, that we had a right to tax America; and he was satisfied that the country gentlemen were so thoroughly convinced of the supremacy of parliament over the colonies, that they would never have consented to a repeal of the Stamp Act, if it had not been accompanied with the Declaratory Act. He did not hesitate to affirm, that the rebellion in America was fomented, nourished, and supported by the inflammatory speeches, and other means, used by the incendiaries in that House; but he trusted the nation, notwithstanding all the disasters which had happened, was still equal to the chastisement of all its foreign and domestic foes.

Mr. *T. Townshend* insisted upon knowing why so immense a sum was necessary, and he hoped some gentlemen in office would explain it in a clear and distinct manner. He likewise observed, that we had taken the most effectual method to drive the Americans into the arms of France and Spain, by the prohibitory, and other cruel and oppressive laws we had passed. They were now no less formidable at sea than land. Their navy had thrown the capital of our sister kingdom into the utmost confusion. Liverpool was threatened; Glasgow in danger; and the very channel of St. George saw their ships ride with impunity, nay triumph, along our coasts.

Mr. *Burke* rose, and after expressing his surprize at the enormity of the charge, told the House he was the representative of one of the first counties, and most populous, commercial town, except London, in the kingdom. He believed his constituents paid one tenth part of the supplies granted by this House; he therefore thought it his duty to search into the reasons of the supply called for; and, as this appeared so enormous and unreasonable, so unprecedented and unaccountable, he would have the most particular information—he would be acquainted with every item—he would know every reason for the grant—he should consider himself a thief, without interest, if he permitted his constituents' pockets to be picked without being told for what or wherefore. I want, said he, to hear why such quantities of ordnance, and such numbers of men, were wanted. Some person in the cabinet must —shall inform me. I will not leave this seat, nor depart from this House, till I am satisfied. I think I shall be excused by my country, if I speak again and again on the subject—if I trangress the point of order, and urge my suit by many repetitions. I shall think myself within the best point of order, if I adhere to the interest of my constituents, and not suffer their pockets to be picked for moonshine. I promise you, Mr. Speaker, I will not go to supper, nor regard order, till I am satisfied. What! the enormous sum of 683,000*l.* for ordnance, 140,000*l.* more than was voted for the year 1759, when we were at war with France and Spain, and had armies in America, in the West Indies, and over all Europe, and immense fleets full of cannon over all the world, in every sea, and in every climate! Is it not strange and unaccountable? Ought we not to inquire into this new proof of ministerialism? In 1759, we employed 250,000 men. This year we have 89,000, and yet a greater sum by 140,000*l.* is wanted to supply the ordnance! Common sense revolts at the idea—laughs at the absurdity. He then went into a long disquisition, and in progressive order enumerated the many measures of government that had induced him to be consistent in abominating the war: and concluded with calling again for information.

Mr. *Langlois* said, one great reason of the advance was, that the train were acting in a hostile country in every sense of the word, so that every equipment was prepared and forwarded from hence at a greater expence than usual.

Mr. *Burke* was obliged to the hon. gentleman for his explanation. America was an hostile country; and our troops met the most absolute hostility ever known; but that was no reason. He wanted to be informed particularly, why such equipments were necessary, and why so many men were there?

Sir *Charles Frederick* said, that sending the artillery companies in three different bodies, to serve under as many generals in different places, had been attended with double the expence of what would have been necessary, had they served in one corps: that the foreign troops in British pay in the last war, found themselves in ammunition, and that was the reason why the estimate in 1759 was not more than

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double what it appears to have been, as that was an estimate only for ordnance stores for the British troops.

Lord *North* said, that though we had 250,000 men in pay in 1759, yet the ordnance estimate was made only for the British forces, which were only a very small part of that number. That the subsidies paid to the German princes included the ammunition, stores, &c. and were provided for apart and independent of the ordnance estimate: that he had not expected such a motion would have been made, or he would have examined the estimates of 1759; that he would take the first opportunity to do it, and imagined upon inquiry he should be found to be right in his opinion. There were a thousand other circumstances, which constituted the difference; but the chief was, the including in the one, and the excluding from the other, the expence of the German artillery. We paid for them at both periods; but in 1759, the charge, though in effect essentially the same, was placed to a separate account. He would, however, compare the estimates, which would enable him to give a more particular and full explanation on a future day.

Mr. *Burke* was happy, that he had set the premier to study; and should depend upon his honour, for a satisfactory answer.

The Resolutions were then agreed to.

Debate in the Commons on Mr. Hartley's Motion relative to the Enormous Expences of the American War.] Dec. 5. Mr. *David Hartley* said:

Sir; the great importance of the subject, upon which I shall offer some opinions to the House this day, will, I hope, plead my apology, for the trouble which I am going to give them. I wish to call their most serious attention to the extravagant and boundless expences of the American war, which after all is an impracticable project, as well as unjust, and universally destructive. I take this early part of the session to state the expences of the war, if it should continue another campaign, that you may be apprized in time. What is called the budget day is usually at the end of the session; when all measures of the year are decided upon; it is then too late to consider of the expences; measures that are predetermined must be supported, cost what they will. But if the enormous expence of this fatal war, and all the ruinous consequences which await the landed and commercial interests of this country, afford any arguments to withhold your hand, now is the time to attend to them.

To give you in one view the amount of the American war hitherto, with the superadded expences of only one more campaign, will make a stupendous total. Such a total, as if the House had been apprized of it but two years ago, I think the most bigotted advocate for the war would have hesitated. But it was a master-piece of craft in the administration, to lead us on insensibly, concealing from the public the fatal consequences, till we were plunged in too far to retreat. The House must well remember at the opening of the first session of this parliament, which was the beginning of the war, that a 3*s.* land-tax was voted before Christmas, to take off the alarms of the landed gentlemen. Your seamen were reduced to 16,000 men, which is the lowest establishment for profound peace. The minister amused the public in that session with paying off a million of the national debt. All this was done to lead you insensibly on, by false pretences, till it was too late to retreat. Unfortunately, the minister obtained his end: the deception was universally encouraged. Those who would have advertised you of these deceptions, and of your dangers, were browbeaten and discountenanced; even a patient hearing was denied to them. In this particular department of the revenue, I have made it my business every year, to lay a true and accurate state before you, in opposition to those premeditated and treacherous fallacies which have been imposed upon the House by the authority of the administration. I should think myself unworthy of any farther confidence of this House, if I had been the author of all those fallacies, which have brought this country to the brink of ruin. But, Sir, I have never deceived you, nor have I offered any idle tales or visionary calculations to the House. Your Journals will bear me testimony. The superior authority of the minister's opinion in this House overbore mine. Upon his authority they gave a negative to those estimates and calculations, which, however, in the result have proved true. That they have proved true, this House and the nation now know to their cost. I once more offer myself, in humble deference to their wisdom, but claiming some confidence in their opinion. I say to you, now; Trust no longer those false prophets,

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who have so constantly misled and deceived you. Your hasty confidence in these deceivers has already cost you twenty millions, and perhaps 20,000 lives. Stop here, and consider a little the business which you are involved in. If the warning which you have had from a cruel and destructive experience, will not make you wiser, I know not what will; but henceforward, at least, that blindness and cruelty must be wilful, which can proceed to sacrifice thousands upon thousands of the lives of your fellow subjects; and of those unfortunate men, who would still have been our fellow subjects, had it not been for the dark and ruinous counsels and conduct of our ministers. Why will you add another twenty millions to all the waste of public money, which has already been so profusely lavished?

I have prepared estimates of the expences, which probably may be incurred, if you proceed to another campaign; which if the House is so disposed, I will lay before them. According to my computation, the total of the American war, as supposed to continue only for one more campaign, in 1778, will amount to between 30 and 40 millions. The documents upon which I form this opinion, are now lying upon your table. I have collected out from the papers of the House, the expences of the navy, army, and ordnance, during the late war, and in the present war, both upon the ordinary estimates, and the extraordinary and contingent expences. I have endeavoured to select such circumstances as are similar to the present: and to adapt others, with such suitable allowances, as may assist us in the inquiry. My first motion is conceived in very general terms, viz. That it is the opinion of this House, that the farther prosecution of the American war must be attended with an enormous expence. The term 'enormous' is the favourite word of the noble lord at the head of the Treasury; therefore, Sir, I think I may depend upon him, for seconding this preliminary motion of mine. My second motion, is the specific point upon which the debate will turn, viz. Whether the total expence of the American war may probably, by the end of the next campaign, amount to between 30 and 40 millions. My reason for putting the preliminary motion as I have done, is this; that in the debate upon the first motion, the specific matter of the second motion will be discussed; and if upon that discussion it should appear to the House, that any other probable total is nearer to the presumptive proofs, I shall be open to conviction, and ready to alter the terms of the second motion, according to the result of the debate. If the account be over-rated, or under-rated, I can rectify accordingly; but let us at least know, what is the probable estimate that we must reckon upon. Call it near 30 millions, or more than 30, or between 30 and 40; I believe this last phrase will be nearer than any other. I have always submitted my thoughts fairly and openly to the House, and to the comments of the noble lord at the head of the Treasury: the estimates which I formerly laid before you, have never been found fallacious or extravagant. Surely, Sir, I ask nothing unreasonable; I only ask that you will think before you act.

I am aware of an objection which the noble lord may make, not to the matter, but to the time. It may be said, that this discussion more properly belongs to the committee upon the state of the nation, which is appointed to sit after the holidays. To which I can only reply, that I am solicitous to throw out to the House, the state of the concomitant expences of the war, in the earliest part of the session, hand in hand with your vote for the land tax, that the landed gentlemen may be apprized what they are preparing for themselves. If they do not interpose, to stop the farther progress of this destructive war, 4*s.* in the pound will be entailed upon them for ever: and I will venture to prophesy to them, that 4*s.* in the pound will not be all that they will have to pay. In the consideration of an infinite multitude of matters, which will come before the committee upon the state of the nation, the landed interest may not have that pre-eminent consideration that I wish. I look upon the landed gentlemen as the watchmen and guardians of the state, therefore I would have a word with them in the foremost place, and before the storm rages, which is coming on apace, to confound land, funds, manufactures, and commerce in one common ruin.

The ruin is universal, and without bounds; your naval power will be exhausted, and the very sources of it destroyed; your armies are baffled and disgraced; one entire army is swallowed up, and perhaps another may soon be in a condition not much better. I pretend not to any sagacity above other persons, but I have endeavoured to get the best information of the

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temper and powers of America, from the wisest and most informed persons, and from those who are at all times friends to reconciliation and peace, and who have been very sincerely well-affected towards this country. I told you, three years ago, that America would turn out an army of 50,000 men, which you then laughed at, and would not believe. I have told you that they were united, and that you could not touch a hair of the head of America: you have found it true. The men that you send thither are devoted to certain destruction. *Ibunt, et redibunt nunquam.* The whole conduct of the ministers of this country has been folly and impotent rage. If they cannot conquer, they will destroy. Every salutary warning has been despised; prudent plans and counsels, as well as pernicious ones, have been laid before you. It cannot be doubted but that Dr. Franklin was well acquainted with the true state and temper of his own country, and of his own countrymen. He has given full warning to this country, both in public and in private, of the ruinous consequences of the measures which have been adopted. The prudence of his advice, and prophetic warnings to this country, stand upon record; he gave them publicly at your bar in the year 1766; he gave a most material helping hand towards the restoration of peace in that happy year; if his advice had been followed in the subsequent measures, we should not now be dipped in blood. I will with permission, read to the House a letter which I received from him in 1775, at a time when we were all fellow-subjects together, and before that fatal Prohibitory Act, by which you cast your colonies out from your protection. I did read it to you in my place, within a few days after I received it; but you were then confident of having America under your feet, and despised every proposition recommending peace and lenient measures. The letter is as follows:

"Philadelphia, October 3, 1775.

"I wish as earnestly as you can do for peace, and should rejoice exceedingly to co-operate with you for that end; but every ship from Great Britain brings some intelligence of new measures that tend more to exasperate; and it seems to me, that until you have found, by dear experience, the reducing us by force impracticable, you will think of nothing fair or reasonable. We have, as yet, only resolved on defensive measures. If you would recall your forces, and stay at home, we should meditate nothing against you. A little time so given for cooling on both sides, might have excellent effects. But you will goad and provoke us; you despise us too much; and you are insensible of the Italian adage, That there is no little enemy. I am persuaded the body of the British people are our friends; but they are changeable, and by your lying gazettes may soon be made our enemies. Our respect for them will proportionably diminish; and I see clearly we are on the high-road towards perpetual enmity, hatred, and detestation. A separation will of course be inevitable. It is a million of pities so fair a plan as we have been engaged in, for increasing strength and empire with public felicity, should be destroyed by the mangling hands of blundering ministers. It will not be destroyed. God will protect and prosper it. You will only exclude yourselves from any share in it. We hear more troops and ships are coming out. We know you may do us a great deal of mischief; but we are determined to bear it; patiently as long as we can; but if you flatter yourselves with beating us into submission, you know neither the people nor the country. The Congress is still sitting, and will wait the result of their *last* petition."

And what was the result of this last petition? His Majesty was advised by his ministers, fatally for the honour, interest, and justice of this country, to say, that no answer should be given. What then was there left for the Americans, but to take up arms in their own defence, when their petitions were rejected unheard, and the whole force of this country, and all the mercenary forces of Europe, were sent to invade them?

I have often said in this House, and I must repeat it, that I shall never call these men rebels, nor their cause rebellion, but a justifiable resistance. You cannot look into your own Bill of Rights, but you will see a formal recognition of the right of resistance in the subject. When the liberties and privileges of a British subject are invaded, and his petitions rejected, every such subject has a right to the use of arms in his own defence. So says the Act which is declaratory of the rights of the British constitution, and the corner-stone of all the liberties which we enjoy in this country. As, in my opinion, upon these constitutional principles, the resistance in the beginning of these troubles was justifiable on the part of the Americans, who

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were then our fellow-subjects; I must now, upon the same principles, consider our perseverance as the continuation of an unjust war on our part against them. And what have you got by this war? You have gained nothing, but you have lost thirteen provinces. It is to those ministers, who have systematically invaded their rights, and rejected all their petitions, that you are indebted for this loss; they have summed up all their pernicious measures in this last fatal act, of advising the King to reject unheard the united petition of all the American colonies. That man has much to answer for to this country, who advised that fatal measure; and I hope the time will come, when this House will address the King to know who did advise it. It was done just upon the eve of the accession to office, of the noble lord who is now at the head of the American department. I do not charge it upon him, because I have no specific grounds for such a charge; but thus much I am free to say, that the spirit of such a measure is more conformable to the system which has been followed since his accession to office, than to the system which prevailed before, and which was set aside to make way for him. Of another fact, however, we are well assured, and of the author and adviser. Since the noble lord at the head of the American department came into office, his Majesty has been advised not to lay the least scrap of information before the House. Before that time we had some information from the correspondence of the plantation-office laid before us. That information was partial indeed, and garbled; but now the minister holds up his head in a haughtier stile; he does not condescend to take the least notice of parliament, or to give us the least scrap of information. We know that he is responsible, and that by secreting all information, he takes a great risk of responsibility upon himself: but what is the consideration of a private person to the great interests of the whole state at large? If he shall ever be found to have secreted information from parliament, which might have guided the counsels of this House to other measures, the responsibility of a private man can be no adequate recompence to his country, for having led them blindfold to ruin.

What, then, is there left for us to do in this disastrous state of things? Indeed, Sir, I can hardly see one ray of hope. You would not hearken to advice in time. You would not offer any conditional terms of submission to your colonies. You gave them no alternative, but independence, or unconditional submission. They are now in possession of independence, and you cannot wrest it from them. Sir, you know my sentiments upon this matter of independence; I have laid them before the House upon former occasions. I confess, that I do not see the horrors attending the legislative independence of your colonies, that many persons do. If I could flatter myself, that the House would consent patiently to hear such a proposition debated, I think their terrors would vanish; and after all, you cannot help yourselves. There is no wisdom in declaring a thing inadmissible, that certainly must and will come to pass. If the House would lend a favourable ear to such a proposition, I should conceive a ray of hope, that things might still end well.

I have in my hand a proposition, which I read to the House last year, drawn up in the shape of a proposed address to the King. Perhaps a cooler reflection, and the course of events which have lately happened, and the present state of your affairs, may induce the House to lend a tolerating ear. I will, with their permission (as they seem not unwilling to hearken at least) repeat such parts of that proposed address, as contain the arguments for the legislative independence of America. If I were permitted, I would recommend to the House to lay sentiments before the King to the following effect. That all good government is established for the safety and content of the people, as expressed by the general voice and common consent of the members of any community; and that whatever superintending power or controul a parent state may be intitled to, in the infancy of any colony, as for the common good of any such colony in its infancy, yet that the ultimate end of all colonization is, and ought to be, to establish kindred and derivative communities into perfect societies, in the fullness of population, settlement, prosperity and power. These principles are not only founded in the nature of mankind, but are peculiarly applicable to our own colonists, who carried out with them, into their foreign settlements, the seeds of the British constitution, which we flatter ourselves to be the happiest and most free in the world. These colonies, under the auspicious and friendly eye of the parent state, have at length out-grown the imbecilities of their infant state, and

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approach to the maturity of settlement and population, and all the arts of life; and thereby are become capable of that glorious inheritance of perfect freedom, which their parent state has in former times rescued out of the hands of tyrants, with a view to assert it for the common good and use of mankind, and particularly to transmit it entire to their own descendants. As no country can arrive at its full perfection, while it is confined in the powers of a free legislation respecting the concerns of its own internal policy; and as the transition of colonies from the controul of a distant parent state, to the absolute possession, in full right, of all their legislative powers, must inevitably (at a certain period of connection between the parent state and its colonies,) disturb, or at least for a time suspend, the harmony of affection and mutual correspondence of interests; and as the course of the present disputes between Great Britain and her colonies, has led to that dangerous point of contention, which being originally inherent in the relation of parent state and colony, now shews itself so serious in its aspect, as perhaps to threaten, if not amicably adjusted, the ruin of one or both countries; your Commons therefore think it wise and prudent, to follow the apparently natural and unavoidable course of things; and to bestow upon the colonies an entire freedom of their legislative powers within themselves; hoping thereby to lay a foundation, for a perpetual and indissoluble bond of affection and alliance, in every respect as beneficial to both countries, as the connection which has hitherto subsisted between them, in the mutual relation of parent state and colony; and with this additional hope of permanence, that, according to all human prudence, such connections, in which there is no latent principle of future discord, may be trusted and relied upon, for the cordial restoration of peace, and for all the blessings of reconciliation between this country, and the offspring of its own liberty, formed in the perfect resemblance of its own constitution, and transplanted into the new world of America. Your faithful Commons therefore humbly beseech your Majesty, to order an immediate suspension of hostilities in America, for the sake of preventing any farther effusion of blood; and to concur with your parliament upon the ground-work of the foregoing principles and considerations, in laying a foundation for reconcilement and perpetual peace between this country and America.

To this proposition, Sir, I would annex, as the concomitant condition on the other side, a compact of trade to be observed by the Americans, similar to that which subsisted between the two countries before the rupture. Upon the admission of these combined propositions, I would propose to proceed upon them as fundamentals, in the negociation of a perpetual fœderal alliance in all its distributive parts.

Sir, I should once more ask your pardon for having given you and the House so much trouble. I am very sensible of their goodness and indulgence. The result of every argument that I have ever offered to the House upon American subjects has been, by some cast or other, to seek the practicable means of restoring peace. It is, and ever will be the sole object of all my anxiety and labours in the public cause. I will now read to the House the several motions which I have to offer, as they stand in order. 1. "That it is the opinion of this House, that the farther prosecution of the American war must be attended with an enormous expence. 2. That the expences of another campaign in the year 1778, added to the expences already incurred in the American war, may probably amount to a sum not less than between 30 and 40 millions sterling, which must create an alarming increase of the principal and interest of the national debt; and must require many additional heavy and burdensome taxes, land-taxes, as well as other taxes, upon the British subjects to defray. 3. That the farther prosecution of the American war must be destructive of the navigation, commerce, riches and resources of this country, as well as of the lives of his Majesty's subjects; and that it will leave us in an exhausted state, with our land and sea forces at the distance of 3,000 miles, open to the insults or attack of any secret or insidious enemy to this country. 4. That it is unbecoming the wisdom and prudence of parliament, to proceed any farther in the support of this fruitless, expensive and destructive war; more especially without any specific terms of accommodation declared."

Lord *North* objected to the motions, because they were out of time, and improper. He never heard such motions made in a House; they were proper for a committee. As to the first, he said, no one could object to it. He himself confessed, that it must be attended with enormous expence, but that it was impossible for the House, in his opinion, to decide on the next, before the day of general discussion, when they

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had every fact before them, and could be able to determine with propriety.

Mr. *Burke* rose, and here a sort of bye-battle commenced between him and lord Lisburne, on a passage in the last Gazette, where general Vaughan says, he went to Esopus, "because it was a nursery for every villain in the country, and when he arrived there, they fired from the windows at his men, which brought him to the necessity of reducing the place to ashes." Mr. Burke said, this passage was obscure, and that he saw no sufficient reason for burning the town. Lord Lisburne, in private, conferred with him upon it; when he told the noble lord, he saw no good reason that general Vaughan had for going to Esopus at all. The contest continued until

Sir *George Savile* said, he wished to bring back the attention of the House to the question, and assured the Treasury-bench, he would also pay them in good time a very proper attention. After which, he insinuated something of impeachments, adding, that though the people of England were sometimes apt to be mild, they were at other times as apt to be in great heat. He agreed with his hon. friend, whose calculations and labours he highly complimented, but he was not for treating with America as an independent state.

Governor *Johnstone* said, he would take occasion from the draught of the Address, which Mr. Hartley opened in his speech to the House, to give to the House his opinion of the ground on which any peace with the colonies should be made. He compared the rights and constitution of which the colonies were by law in possession, to a copyhold right, held from the original possessor, who had the freehold, but a copyhold of defined and unimpeachable rights, subject, however, to the condition of the tenure. By so much as this sort of rights (however it became so) was inferior to a freehold, by so much more were we bound to guard and maintain these rights of theirs under our protection. If we invaded them, we thereby gave them a right to enquire, by what original right we assumed, that the tenure and their rights and possession were of this inferior nature. We gave them a right to resist and to rebel. He could not, therefore, adopt the ideas of Mr. Hartley, at least in the form in which they were contained in the draught of the Address, as it put the colonies on the ground of independence. He always thought the letting the colonies loose, to be a dangerous measure.

Mr. *Burke* said, he thought it ought to be the end of every plan of peace, to get the colonies as much subordinate as we can keep them with their consent. But at the same time, he disapproved of thus laying down lines and measures, in matters which must be determined as future events would permit us to act.

Mr. *Fox* said, as so much had been said about offering terms, and nothing as to the nature of those terms, he thought this would be a proper opportunity, as there would be no other before the House adjourned, to give his opinion what the terms ought to be; that he thought we ought to give America perfect security on the subject of taxation and her charters; that this would be the proper preliminary of a treaty, for that however the people whose spirits were warmest in America might look upon independence, yet there were others who looked back to their old connections with this country, and that this measure would at least divide America. I would treat with them, said he, on the very topic whether they should be independent or not; but my wish is, that America may remain dependent upon this country. I am no friend to the independence of America; nevertheless, if no better terms can be had, I would treat with them as allies. They might be good and useful allies, nor do I fear the consequence of their independence.

Sir *W. Gordon* recommended coercive measures; and hoped no treaty whatever would be commenced, until America had laid aside her claim of independence.

Mr. Hartley's motions were all negatived without a division.

Debate in the Lords on the Bill for suspending the Habeas Corpus Act.] Dec. 8. On the order of the day for the second reading of the Bill for suspending the Habeas Corpus Act,

The Duke of *Richmond* expressed his concern that the discussion of a subject of this importance should have happened in so thin a House. He said it was a business of the highest concern to the nation; a business in which the liberties of the subject were nearly interested. From the vague indeterminate mode of expression used in the Act, its force extended to all orders, and to all kinds, guilty and innocent. A paltry justice might, only because he thought he had grounds of suspicion, deprive a subject of his dearest rights, imprison him, load him with irons, and all with-

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out a possibility of redress to the unfortunate sufferer. The Habeas Corpus being extinct, there was no power of justifying himself, and there he must lie till the term specified in the Act arrive; that is, till the conclusion of the impending war. He himself stood within its lash, and was at this time at the mercy of any little dealing magistrate; he had been last year on the high seas on a party of pleasure, and was therefore obnoxious to the letter of the Act. He illustrated the disadvantages consequent on such an Act, with the history of one Mr. Platt, a merchant of Georgia. This young man, while he was in that capacity, had been concerned in the unloading a vessel, that contained, among other things, horses sent from England: he interested himself in this business, only from an inclination to serve the owner; and yet going soon after on his mercantile occasions to Jamaica, and having in the course of a jovial evening offended some one of the company, he was next day apprehended as a person within the cognizance of this Act. He was secured as a rebel, sent to England, and carried before sir John Fielding, who recommitted him, without suffering him to be confronted with his accusers. All he asks is to be brought to trial; this justice has been denied; and it is now near two years since this, perhaps, innocent person has been subject to the disgrace and inconvenience of a common prison. His Grace said he would appeal only to the feelings of gentlemen in administration, and hoped they would interest themselves for a final determination concerning this unhappy man.

The *Lord Chancellor* said, if ever there was an Act that deserved the appellation of humanity, it was this; it regarded America in every respect, not as a rebel country, but as a country at war. It was certainly necessary that some punishment should be inflicted on persons taken in the act of enmity against us; but what ought it to be? since it was plainly not expedient that they should be discharged, and not political, from the apprehensions of retaliation, to put them to immediate death. What was the alternative? In his opinion the only just medium had been adopted; that of preserving them until the conclusion of the war, so that they might retain the power of punishing without doing it at a time when the consequences might fall upon such of our subjects as were now in a similar situation in America.

The Duke of *Richmond* said, the noble lord had not attended to the distinction which it was his intention to inculcate. He acquiesced in the propriety of detention, when exercised on men absolutely found in arms, but that persons only suspected should be liable to the same severity, was the ground of his objection.

The Earl of *Sandwich* observed, that as to the point in question, he believed he and the noble lord nearly coincided; namely, that all persons properly suspected of rebellion, should be subject to the terms of the Act. He said he had a very different account of this Mr. Platt. He was told that he was a committee man at Georgia, and an active instrument of rebellion; that he contributed in seizing, by force, the military stores that were contained in his Majesty's ship Philippi; that the commander of that vessel came over to London, when he was first brought to England, to authenticate his guilt; and that it was from motives of pure delicacy, that the judges had thought proper to defer his trial.

The Earl of *Suffolk* said, that in the beginning of this unhappy war, it was the current opinion of the three legislative powers of this realm, that an extraordinary privilege should be lodged in the executive part, in the King; that if it was the opinion of the House, that the present emergency is less dangerous than it was a year ago, they would doubtless revoke this as an useless Act; if not, a similar necessity would certainly justify the continuation. It was called a dangerous Act; let the event prove that; few had fallen under its cognizance; few had been punished in consequence of it; apprehensions, therefore, from it were groundless.

The Duke of *Richmond* replied, that lenity in the execution was the strongest argument against the continuation; for that tyranny became more acceptable by being gently exercised; so that when a prince of more despotic temper had the rule, he would plead prescription, and justify arbitrary measures, even with the sanction of his parliament, and the consent of his people.

The Duke of *Manchester* read a petition he had received from Mr. Platt; the account given there nearly coincided with that given by the duke of Richmond; his grace corroborated the duke's arguments, and added, that he appealed in this instance, not only to the humanity, but the justice of administration.

The Bill was read a second time.

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Debate in the Commons on Mr. Wilkes's Motion for the Repeal of the American Declaratory Act.] Dec. 10. Mr. *Wilkes* rose and said:

I chose, Sir, from motives of policy to delay the motion, which I mean now to submit to the House, till the establishments both of the navy and army for the ensuing year were completed. After such prodigious preparations for war, after every single article which the ministers have asked, has been granted, we are armed at every point for the vigorous prosecution of hostilities, we may, with more appearance of dignity, hold out propositions for peace. This House, Sir, has voted 60,000 seamen, including near 12,000 marines, above 20,000 effective landmen, commission and non-commission officers included, for guards, garrisons, and the forces to be kept up in Great Britain, Jersey, and Guernsey. We have besides in our pay five battalions of Hanoverians, actually in garrison, to the eternal reproach of England, at Gibraltar and Minorca; the various troops of Hesse Cassel, Hanau, Waldeck, Brandebourg-Anspach, and Anhalt-Zerbst, amounting to above 69,000 of those mercenaries; in all, a land army of more than 89,000 men. This House has not yet been assembled three weeks, and we have already voted away of the people's money no less a sum than 8,643,004*l.* I believe this is only the sixteenth day since the opening of the session. Every day of the present session has therefore, on an average, cost the people above 500,000*l.* What a relief to their fears, Sir, will be the adjournment, which ministers have just mentioned, of near six weeks? How much it will augment the festivity of the season? Yet I fear, Sir, it will prove only a temporary relief; and that ministers retreat for a short time, to return with redoubled force and fury, to lay fresh burdens and additional impositions on this exhausted nation.

Amidst all these amazing preparations for war, scarcely a thought of, or a sigh for, peace, seems to obtrude upon, or escape, any one of our ministers. What single step has been taken by administration to put an end to this ruinous war, and to prevent the farther effusion of human blood? A noble marquis (of Granby) on this side the House, who is the worthy heir of the patriotic virtues of an illustrious father, proposed on the first day of this session an immediate cessation of arms; but the proposition was rejected by a great majority. Scarcely a hint of a wish for peace has been made by any member of administration. I will not, however, Sir, be dispirited. Some late events, unknown to the House at that time, may induce the most violent to listen to those healing measures, which, in the insolence of our imagined triumphs, we rejected with disdain. The preliminary of peace, which I shall take the liberty of submitting to the House, strikes at the root of the evil, the confessed cause and origin of the American war. I mean, Sir, the right of taxation, which is enacted in the Declaratory Act, the repeal of which I shall presently move. I believe, Sir, according to the forms of the House, I must first desire the clerk to read that Act. It is the 6th of the King, ch. 12. [The Clerk reads.]

'To make laws to bind the colonies and 'people of America in all cases whatsoever!' I believe, Sir, this is the shortest compendium of slavery ever given. It is the broadest basis of tyranny. In all cases whatsoever! therefore in taxation. Three millions of freemen to be taxed at the arbitrary will and pleasure of this House, without a single person to represent them, or to control the expenditure of their money! If the Americans could tamely submit to this, they would deserve to be slaves. They ought to be more contemned than the Cappadocians of infamous memory, who refused the liberty which was offered them by the Romans. If we can take a part of their property without their consent, we can take the whole. It is impossible to draw the line. This House might vote away the whole property of America without the consent of one man on that vast continent. The very supposition is not only repugnant to every idea of the common rights of mankind, but "it is against the franchises of the land for freemen to be taxed but by their consent in parliament," as lord Coke declares. We know by the law of England, that the Protestant subjects of our colonies in America are intitled to all the liberties, privileges, and immunities, of the natural-born subjects of this kingdom. The next step to taxation naturally follows. Ministers might apply an American revenue to the advancement of their own profligate plans, perhaps to the same base purposes as the taxes levied among us, to the augmentation of an enormous civil list, to increase the overgrown influence of the crown, and corrupt the representatives of the people. Even without any taxation we have expe-

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rienced that the whole produce of American industry centered in Great Britain. I do not intend, Sir, to go into a disquisition of the stale question of taxation and representation, nor the wretched nonsense of a virtual representation here of three millions of subjects on the other side the Atlantic. I remember once before to have fully argued those questions. I shall now confine myself to the repeal of the Declaratory Act, and the other Acts injurious to the freedom of America. Without this repeal we cannot, I am satisfied, have peace, nor I believe would the Americans treat with you on any other terms. They proceeded, at the beginning, with wonderful temper and coolness; but at last they summed up all their injuries as comprised in the Declaratory Act, which they reprobated with spirit. While this Act remains in the Statute Book, you never can think of any negociation with the Congress. The first Congress, which met in 1774, acted with prudence and calm dignity, with moderation and magnanimity. They did not directly attack the Declaratory Act. They knew it had passed in an administration composed of men who had declared themselves friends to American freedom, and had actually repealed the Stamp Act. They considered it as a *brutum fulmen* on the part of this country. They, in dutiful terms, solicited the repeal of the Boston Port Bill, the Massachuset's Charter Bill, and that monster of despotism and popery, the Quebec Act; but they passed over in silence the Declaratory Act. Yet, Sir, although no express mention was made of that Act, they put in the strongest protest against the claim, or exercise, of any such powers in their very first resolution. It is of Oct. 14, 1774. "The inhabitants of the English colonies in North America, by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following rights. Resolved, *nem con.* that they are entitled to life, liberty, and property, and they have never ceded to any sovereign power whatever a right to dispose of either without their consent."

In the year following, the second Congress, finding all their endeavours here for a redress of their grievances ineffectual, thought it necessary to hold out a kind of *ultimatum* to this country, and to speak the plain, full, manly language of injured freemen. In a "Declaration by the representatives of the united colonies of North America, now met in Congress at Philadelphia, setting forth the causes and necessity of their taking up arms," July 6, 1775, it is said, "we for ten years incessantly and ineffectually besieged the throne as supplicants; we reasoned, we remonstrated with parliament, in the most mild and decent language. Parliament have undertaken to give and grant our money without our consent, though we have ever exercised an exclusive right to dispose of our own property, &c. &c. &c. But why should we enumerate our injuries in detail? By one statute it is declared, that parliament can of right make laws to bind us in all cases whatsoever. What is to defend us against so enormous, so unlimited a power? Not a single man of those who assume it, is chosen by us, or is subject to our control or influence; but on the contrary, they are all of them exempt from the operation of such laws, and an American revenue, if not diverted from the ostensible purposes for which it is raised, would actually lighten their own burdens in proportion as they increase ours." This one statute, the Declaratory Act, is the fountain, from which not only waters of bitterness, but rivers of blood, have flowed.

I ought, Sir, in justice to the Congress, to take notice, that even after this they presented a most humble and dutiful petition to the King. From the ill-judged reply of the American secretary, "that no answer would be given," I suppose every idea of obtaining a redress of their numerous grievances vanished. Yet in this very Declaration they say, "we shall lay down our arms, when hostilities shall cease on the part of the aggressors, and all danger of their being renewed shall be removed, and not before." I will venture, Sir, to do this much injured body of men justice on another subject against the false and malevolent assertions of the noble lord (G. Germain) at the head of the American department. His lordship declared to us in the most explicit terms, "that the Congress had endeavoured to engage the Indian savages in their service, and would have employed them in the war." It is well known in what manner they must always be employed, not in the use of the sword and bayonet, of which they are ignorant, but of the scalping knife and tomahawk, in which they are expert. The Congress, Sir, in the true heroic spirit of bravery, which mercy always accompanies, reprobated the idea of torture and cruelty.

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They determined on fair, honourable war, unstained by murder or massacre. I will convict his lordship on the fullest evidence of the grossest imposition on this House, and of a violation of truth. The Journals of the Congress, Sir, both that of 1774 and 1775, have been as regularly published to the world, as the Votes of the House of Commons are by you, Mr. Speaker. In the Journal of June 30, 1775, I find the following words, "Resolved, that the Committee for Indian affairs do prepare proper talks to the several tribes of Indians, for engaging the continuance of their friendship to us, and neutrality in our present unhappy dispute with Great Britain." This was, Sir, after the provocations of the repeated slaughter of their friends at Lexington, Concord, and Bunker's Hill. But, Sir, although the Congress refused to ask the barbarous aid of the savages, the King's general most readily and with eagerness employed them. He boasts of it in his proclamation of last June. No man, Sir, who has read that proclamation, and major general Gates's letter, will shed the tear of pity over the misfortunes of Mr. Burgoyne. Major general Gates says in his letter of Aug. 28, to Mr. President Hancock, "the horrid murders and scalpings paid for and encouraged by lieutenant general Burgoyne, previous to his defeat at Bennington, will for ever stain the honour of the British arms. In one house the parents with six children were most cruelly butchered." Is this, Sir, the mercy of the King, which general Burgoyne in his proclamation says, "his Majesty's numerous armies and fleets in every quarter of America were to display as well as his power and justice?" He succeeded to irritate, not to intimidate his enemies. But, Sir, although I do not feel the least spark of compassion for the fate of Mr. Burgoyne, I truly commiserate the situation of the troops with him. I regret the loss of the brave soldiers who perished in the action, and I pity those who survive. I am sorry that 800 valiant English and Germans were killed in a bad cause, in fighting against the best constitution on earth. Sir, it was inscribed on the tombs of the 300 Spartans, who at Thermopylæ devoted themselves to a glorious death for the liberties of Greece, "Passenger, go tell at Sparta, that we died for having obeyed her holy laws." It ought to be engraven on the tombs of the 800 who fell in the late action, "Passenger, go tell in England, that we died for having violated her holy constitution;" for such, in my opinion, is the case of every man, who has in this civil war drawn his sword against our brethren in America, and perished in the conflict. The situation, Sir, of those who survive, is to be commiserated, not so much for the calamities which they have suffered, calamities brought on by themselves, as for the loss of honour, which, if we are rightly informed, has accompanied the circumstances of their defeat and surrender. The terms of the capitulation for general Burgoyne, and the veteran troops under his command, are stated to be, delivering up their arms, being permitted without molestation to embark for Europe, and not serving against the Americans during the war. They have then put themselves *hors de combat*. They have agreed no more to face these cowardly Americans. They consent, not to measure swords again with their conquerors during the war; not to make a single effort to recover their lost laurels. If they had surrendered prisoners of war, they might have been exchanged, and the fortune of war crowned them with future victories. That chance they have given up as well as their arms. We have now scarcely a company of foot in arms in all the northern colonies, except Canada. The English at the battles of Preston-Pans and Falkirk suffered two most ignominious defeats. There was however no capitulation that the vanquished troops should not serve against the same enemies during the remainder of the war. At Culloden they washed away the foul stain of that national disgrace in the blood of those perjured Scots, rebels against a mild prince, and an equal system of laws. It is, Sir, very remarkable, that the same men, who stiled at that time the Scottish rebels insurgents, now call the American insurgents by the name of rebels. I will never, Sir, adopt the appellation. I think the Americans are fighting in a good cause for the defence of their just privileges, and chartered, as well as innate, rights. I am sure the proudest and most despotic court in Europe, that of Vienna, would not have treated their subjects in the manner this court has treated the Americans, I mean as rebels. When the present empress queen, then only queen of Hungary, succeeded her father, the emperor Charles 6, in 1740, she secured the affections of her Hungarian subjects by readily taking the old oath of the sovereign

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of that country, established in 1222. The greatest genius in Europe gives it us at full length.* "If I, or any of my successors, at any time, should attempt to infringe your privileges, you, and your posterity, are permitted, by virtue of this promise, to defend yourselves, without being liable to be treated as rebels." If the ancestors of the present empress queen had been as wise, the House of Austria would not have lost Switzerland, as they did by injustice and oppression. The Americans, Sir, I think, are now defending the privileges of every subject of the British empire, as well as their own. If this country did justice to the same spirit of freedom in them, which we applaud in our ancestors, we should admire their heroism, and be eager to repeal all those Acts which are undoubted badges of slavery, particularly the Declaratory Act, which I shall always consider as an invasion of the people's rights. Till we do that, we can have no rational hope of any reconciliation. The desperate situation of our affairs, from the variety of circumstances which have been stated, and the late capitulation of a whole army, prove the absolute necessity of terminating this bloody civil war, this general savage Indian massacre.

The Declaratory Act, which we had no right to pass, will never be submitted to by the freemen on the other side the Atlantic. The spirit of it is hostile in the extreme to liberty. To bind the subject in all cases whatsoever! It is a charter of slavery. I deny the principle of this Act as much at home as in America. We ridiculously of late bewilder ourselves with frantic, high-flown, sonorous expressions of the omnipotence of parliament. The gentlest natures appear too fond of power, although they do not abuse it. There are many things, which parliament cannot do; many cases, in which it has no power. We cannot vote ourselves perpetual. We cannot fill up our vacancies, as the late House of Commons indeed did in the case of the Middlesex election, but all good men abhorred the usurpation, and the nation were almost unanimous in their remonstrances against it. We are merely a delegated power from the people, and in that capacity only a third part of the legislature. We cannot therefore surrender their share of power, by whose favour alone we acquire the right of giving any vote in this House. It would be treachery, and even rebellion, in the servant against the master. Can we, Sir, repeal Magna Charta? Has this House the power to establish the Mahometan religion? Government is only a trust from the people for their good, and in several instances, so far from possessing an absolute power, we ought to acknowledge, that we have no power at all. I will never admit arbitrary power to be lodged in any man, or body of men. Many things are so closely woven in with the constitution, like the trial by jury, that they cannot be separated, unless the body of the people expressly declare otherwise, after free and full consideration. There are fundamental inalienable rights, land-marks of the constitution, which cannot be removed. The omnipotence of parliament therefore, which is contended for, seems to me a false and dangerous doctrine.

I have great reverence, Sir, for the memory of that Whig administration, which passed the Declaratory Act. I speak as a public man. I honour them for their spirited resolutions against General Warrants, and the Seizure of Papers, by which the personal liberty of the subject, and the most important secrets of life, were rendered sacred and inviolable. I highly applaud the turning the exciseman out of private houses by the repeal of the Cyder Tax. The negociation for the Manilla ransom, which so deeply interested many of our bravest men in the navy and army, revived under their auspices; but alas! after many faint and feeble efforts it languished and expired. Many excellent regulations of trade and commerce were made by them. But, Sir, I should have thought all their glories sullied by the passing of this Declaratory Act, which pretends to establish a claim of unlimited authority over the colonies, if I did not believe it was a kind of force on that administration, a sort of compromise with the traitors at home for the repeal of the Stamp Act, which had thrown the whole empire

* Voltaire says, "Marie-Thérèse, épouse du Grand Duc de Toscane François de Lorraine, gagna surtout l'esprit des Hongrois en se soumettant à prêter l'ancien serment du roi André 2, fait l'an 1222. 'Si moi ou quelques uns de 'mes successeurs, en quelque tems que ce soit, 'veut enfraindre vos priviléges, qu'il vous soit 'permise n vertu de cette promesse, à vous et à 'vos descendans, de vous defendre, sans pouvoir 'être traites de rebelles.'" In the margin he adds these words, "serment singulier et qui ne devait pas l'être." Voltaire, Siécle de Louis 14, tom. 3, p. 429.

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into convulsions. The Stamp Act ought, in my idea, to have been repealed on the first great principles of justice, not on the narrow ground of political expediency, or from any commercial motives. I was abroad at the time, and may have been misinformed; but if I am not, the repeal was absolutely necessary to lay the storm, which raged with the greatest fury, both here among the merchants, and in North America, after the passing of the Stamp Act. The repeal was warmly opposed by some of the royal family, and the favourite in the House of Lords, by his family and friends in both Houses, by the whole cabinet, the lords of the bed-chamber, and almost all the King's and Queen's households. Perhaps the repeal had not been carried, but by the compromise of this Declaratory Act. I am satisfied, that the administration, which passed that Act, never intended to inforce it at least by taxation. The new ministry however in the succeeding year built on this solid foundation of a right to taxation, which they saw was established for them. They laid duties on tea, glass, red and white lead, painter's colours, and other things. The right had been ascertained by their predecessors. The only objections, which could now be made, were the inexpediency and impolicy of the exercise in those instances, and at that period. If I had been in England, Sir, at that time, and in parliament, I should strenuously have opposed the principle of the Declaratory Act; but I was forced into a cruel exile and outlawry by the wickedness and injustice of one administration, and kept abroad by the tameness and timidity of another. I was persecuted with extreme rage and violence by a set of men who thought themselves injured, and abandoned by those I had essentially served, who before encouraged me, and approved my conduct. I was made their scape goat, doomed to bear into the wilderness the sins and iniquities of a great political party, when in opposition. Surely, Sir, their sins and iniquities must have been of a deep dye, and remain still unexpiated, for 'ipse aries etiam nunc vellera siccat.' I would, Sir, in this important business of the repeal of the Declaratory Act, persuade myself that there is not an obstinacy of opinion, a tenaciousness of adhering to what we have once done, merely because we have done it. It seems very clear, that we can have no peace, till "the accursed thing is removed from our camp." From that happy moment I should hope the rude clamours of war would cease, and the gentle voice of peace be heard. I trust therefore in this time of general consternation, in this day of distress and disgrace to our country, that there will be a perfect unison of sentiment among us, an universal concurrence in this first preliminary of peace.

I have only mentioned, Sir, the repeal of the Declaratory Act, but I mean afterwards to submit to the House another motion for the repeal of the whole system of new statutes and regulations respecting America since 1763. I fix on that period, because the Congress complain of nothing prior to that æra. They have never hinted at the repeal of the Navigation Act, nor any other Acts before that year. In the petition of the Congress to the King, in October 1774, they say, "from this destructive system of colony administration, adopted since the conclusion of the last war, have flowed those distresses, dangers, fears, and jealousies, that overwhelm your Majesty's dutiful colonies with affliction; and we defy our most subtle and inveterate enemies to trace the unhappy differences between Great Britain and these colonies from an early period, or from other causes than we have assigned, &c. &c. We present this petition only to obtain redress of grievances, and relief from fears and jealousies, occasioned by the system of statutes and regulations adopted since the close of the last war." In the same year the Congress declared to the people of Great Britain, "place us in the same situation that we were at the close of the last war, and our former harmony will be restored." It is an explicit offer of a compact between the two countries. Their language was exactly the same in the following year, in their last petition to the throne. "They were alarmed by a new system of statutes and regulations, adopted for the administration of the colonies, that filled their minds with the most painful fears and jealousies." Here then, Sir, Great Britain is at issue with the colonies. Repeal these unjust and injurious Acts, and our former harmony will be restored. We shall hear no more of the sword and bayonet on one side, nor the scalping-knife and tomahawk on the other. There will be no more effusion of human blood, no heart-piercing cries of whole families most cruelly butchered, or expiring under tortures.

I fear, Sir, that I have intruded too long on the patience of the House. I wish not

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to tire gentlemen. I am sure, I had rather hear any voice than my own within these walls; but I must beg, on a business of this moment, a little farther indulgence to give, as briefly as I can, a general account of the other Acts, which I hope will be repealed. I begin with the 4th of the King. From that period of this inauspicious and inglorious reign, a regular and uniform system of attack on the rights and privileges, both of America and Great Britain, has been, except during a short interval, invariably pursued, under the direction, I believe, of the real minister. We shall now see how this system has operated in a variety of Acts against our brethren in the colonies of North America. The 4th of the King, ch. 15, is, "An Act for granting certain duties in the British colonies and plantations in America, &c." Another Act of the same year is ch. 34. "An Act to prevent paper bills of credit, hereafter to be issued in any of his Majesty's colonies or plantations in America, from being declared to be a legal tender in payments of money, &c." In the following year the "Act to alter certain rates of postage, &c." In the 6th of the King, "An Act for repealing certain duties in the British colonies and plantations, &c. and for granting other duties instead thereof, &c. &c." The subsequent year teemed with two births fatal to American liberty. I mean the "Act to enable his Majesty to put the customs and other duties in the British dominions in America, &c. under the management of commissioners, &c." I must, however, declare, that I believe the hope of providing for the numberless hungry dependents and sycophants, who daily and hourly beseech and besiege the minister, gave rise to this statute. The other Act of the same year, intitled, "An Act for granting certain duties in the British colonies and plantations in America, &c. &c." I shall move to be only in part repealed; for so much of it as relates to the duties on glass, red and white lead, painters' colours, paste-boards, mill-boards, and scale-boards, is already repealed by the 10th of the King, ch. 17. Then, Sir, follows the Act in the 8th of the King, intituled, "An Act for the more easy and effectual recovery of the penalties and forfeitures inflicted by the acts of parliament relating to the trade or revenues of the British colonies and plantations in America." These Acts are objected to, because duties are imposed by them for the purpose of raising a revenue in America. They take away the trial by jury, and extend the powers of the Admiralty courts beyond their ancient and legal jurisdiction. The 12th of his Majesty, ch. 24, I propose to repeal, because persons committing a variety of offences specified in that Act, out of this realm, may be tried in any county within this realm. This is directly contrary to the first principles of the constitution, which gives a right to a trial by a jury of the vicinage, who are justly supposed best to know the party accused. The same objection holds in full force against the Act in 1774, intituled, "An Act for the impartial administration of justice in the cases of persons questioned for any acts done by them in the execution of the law, or for the suppression of riots and tumults in the province of the Massachuset's Bay in New England." Another Act, in the same year, ch. 45, takes away the charter granted to the inhabitants of the province of Massachuset's Bay by the glorious William 3. The Quebec Act followed, which totally annihilated the mild and equal system of English laws, and established French tyranny and the Romish religion in their most abhorred extent. The Romish clergy by the said Act may claim "to hold, receive, and enjoy, their accustomed dues and rights; and no person professing the Romish religion is obliged to take the oath required by the statute in the 1st year of queen Elizabeth." The ministers of the established church of England were, as usual, totally neglected by the Scottish father of this Act, and even those of his own kirk in this instance. Then comes the sweeping Act against the whole thirteen provinces, intituled, "An Act to prohibit all trade and intercourse with the colonies of New Hampshire, Massachuset's Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, &c. &c." which trade and intercourse brought into Great Britain, 'communibus annis,' near two millions annually. The last Act I shall mention is worthy of completing the black catalogue. It is the Act of the last session, "to impower his Majesty to secure and detain persons charged with, or suspected of, the crime of high treason, committed in any of his Majesty's colonies or plantations in America, or on the high seas, or the crime of piracy," which is now continued another year. It is sufficient to say of this Act, that it suspends the Habeas Corpus Act,

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which judge Blackstone declares to be "a second Magna Charta, and stable bulwark of our liberties;" not very stable however, Sir, in this reign, no more than our liberties. There are, besides those which I have mentioned, three other Acts complained of by our brethren in America. The first is the Boston Port Act, which passed in 1774. It was repealed in 1776; but the substance of it was re-enacted in the same general Act, the 16th of the King, ch. 5. The Act likewise "to restrain the trade and commerce of the provinces of Massachuset's Bay and New Hampshire, &c. &c." is exactly in the same predicament. It was repealed and re-enacted in the same moment. The 3d Act alluded to is "for providing suitable quarters for officers and soldiers in his Majesty's service in North America." It passed in 1774, and expired at Lady-day, 1776. These three Acts I therefore omit. Perhaps I may have passed over some other obnoxious statutes since 1763; but I mean, Sir, to propose the repeal of the whole system of the late American statutes and regulations, without which it is my fixed opinion you can have no permanent tranquillity, nor shall we see the dawn of peace in our time. I believe the repeal of the Declaratory Act, and the other statutes, to be the necessary foundation for a negociation, if we are really in earnest to save a sinking state, if we hope to regain our colonies, not to ruin or abandon them, nor to exterminate their inhabitants. I would treat America as the sister, not the subject, of England. Bologna in Italy is styled the sister, not the subject, of Rome. I remember the city of Bologna has the word 'libertas' in the first quarter of her arms. I wish that goddess all-powerful in every quarter of Italy, of America, of the world.

I was not present, Sir, in the House last Friday evening, but I have heard of the curious political race here at that time between two distinguished parties in the opposition, as if the ministers were now fairly run down, and all that remained was to divide the spoil. I was told of very dextrous management, of much cutting and shuffling, of a variety of propositions hinted at, on one side of abandoning the colonies on certain terms of advantage, on the other of giving up some rights, and enforcing others with vigour. I have no connection with either party, nor with any party of the state. *Provoco ad populum* will ever continue my motto. But may I venture, Sir, to give both these parties a hint or two? I think that they need not quarrel yet, for hitherto I observe no vacancy on the Treasury bench. Another thing I would just mention. Perhaps it might be prudent for both the parties to attend a little to the opinion of our common master. Lord Hillsborough's Circular Letter to all our governors on the continent and islands has been brought into this House for various purposes. I shall now make use of it to convince both parties, all parties, every gentleman, of the necessity of a speedy reconciliation with the colonies, from the declared sentiments of our sovereign. The conclusion of that famous Letter is in the following words; "His Majesty relies upon your prudence and fidelity for such an explanation of his measures, as may tend to remove the prejudices which have been excited by the misrepresentations of those who are enemies to the peace and prosperity of Great Britain and her colonies, and to re-establish that mutual confidence and affection, upon which the glory and safety of the British empire depend."

I believe, Sir, that I have demonstrated to the House, how absolutely impossible it is that mutual confidence and affection can return between Great Britain and her colonies, till this Declaratory Act, the foundation of the contest, the root of the evil, is done away. We are evidently in a declining, and shall soon be in a desperate, state, if this remedy is not immediately applied. I therefore think it my clear duty, not only for the glory, but the very safety of the British empire, to move, "That leave be given to bring in a Bill to repeal an Act, passed in the 6th year of his present Majesty, intituled, 'An Act for the better 'securing the dependency of his Majesty's 'dominions in America upon the crown and 'parliament of Great Britain."

Lord *Beauchamp* said, the Declaratory law became necessary, when the Stamp Act was repealed. He would not pretend to decide, whether the repeal was a wise measure; but certainly the sovereignty of this country would have been abandoned, if the Declaratory Act had not maintained it. The law was no new law; it was only a declaration of what the law had been, and was, previous to its being passed. The law was disputed; the true constitutional connection between both countries controverted or denied; Great Britain was therefore called upon to make a declarative assertion of its ancient indubitable claim, which was the supremacy of its legislature,

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and the dependency and civil subordination of our colonies. His lordship added, that if any such proposition as that before the House should become necessary, now was not the proper time, the 2nd of February being appointed for general enquiry; he should therefore move the previous question.

Lord *North* observed, that the motion went only to a repeal of all the laws passed respecting America, since 1763. Why confine it to so short a period? Why does not the hon. gentleman's motion go back to 1662? Why does it not go to the repeal of the Navigation Act, the Post-office Act, the Slitting-mill and Hat-manufactory Acts, the Act for restraining the paper currency of the colonies, and to some others of a like sort, which assert, as strongly and as roundly as any subsequent law, the supreme power of this country, to bind America in all cases whatsoever, and our power to tax them, at least so far as may be necessary to the regulation of their commerce, and the securing to us the monopoly of their trade. I can assure the hon. gentleman, that he is mistaken, if he thinks a partial repeal will content America: the Navigation, and every other restrictive Act, must first give way to their unreasonable demands; and, with them, the sovereignty of this country. He said, the motion was unseasonable, nor would he ever consent to a similar one, if there were not strong reasons to believe, that a repeal of those laws were the only impediment in the way of a return of our colonies to their constitutional obedience and dependency. He denied, that James the 2nd's conduct was justified on Tory principles. The moderate Tories were lovers of law and legal liberty; they proved it; for when that infatuated monarch endeavoured to trample on the laws of the land, they deserted him. That prince, having broke the laws, justly forfeited his crown. He replied to some other parts of Mr. Wilkes's speech, and asked him if he had not one tear to shed for that ill-fated general, Mr. Burgoyne? His lordship begged, however, not to be understood that no motion of concession, on similar ground to that now before the House, could be made with propriety, at any future period. He meant no such thing; propositions for treaty and conciliation might become necessary. The moment for making them would depend upon circumstances; those circumstances must arise out of the state of the war; from domestic situation; from the disposition of both countries. That moment was not yet arrived; when it should, it would come accompanied by its own reasons; it would present itself in a different form from the present. When it did arrive, he should most cheerfully co-operate in the desirable work of peace. On these grounds, he must however, for the present, vote for the previous question.

Mr. *Temple Luttrell.* Much has been said upon the employing of savage Indians in the present unhappy contest; and very opposite ideas on that subject have arisen among gentlemen of exalted character in either House of Parliament. That every excess and violence is justifiable in carrying on a war, I can never admit; it is contrary to the maxims of the soundest writers on war and peace; contrary to the principles and practice of the most renowned and enterprizing commanders throughout all ages of the world. What desperate extirpator of the human race since the days of Hercules and Theseus, has waged war with the dead? or flead the skin from the temples of innocent women and children? or ripped open their bodies to banquet on their entrails? Such acts of brutal ferocity have been reserved for the allies of modern Englishmen and Christians, against their fellow-subjects on the other side of the Atlantic. Recollect, Sir, one of the greatest generals that ever lived nobly refused to avail himself of the treachery of the king of Epirus's physician, though he might thereby have taken off the most powerful enemy his country had ever contended with. And the following observation of that illustrious dictator, Camillus, is given us by a celebrated Greek historian, who with just and animated encomiums has recorded his splendid series of victories and public triumphs. "War," says Camillus, "is at best of a savage nature, and wades through seas of violence and blood; yet, even war has its laws, from which men of honour and true martial gallantry will never depart; nor will they pursue the paths of conquest through deeds of horror or perfidiousness." I confess it is difficult, perhaps impossible, to draw a precise line how far certain instruments or modes of war are, in the general acceptation of the term, allowable. In every contest much must depend upon the nature, circumstances, and object of the quarrel. Sir, if a band of ruffians should break open your

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dwelling-house, with intent to steal your effects, perhaps deprive you of life, and you could arrest their purpose by tempting them with a deadly chalice in their way, would you, even upon the strictest rules of Christianity, scruple to avail yourself of such preventive artifice? But, were you called upon to stake your life against an adversary for mere matter of punctilio, do you not conceive, that the same spirit and principle of honour which urged you forth into the field of combat, would restrain you from the plots of a dark assassin, and cause the feelings of your soul to revolt against any vindictive barbarity? We, Sir, avowedly fight against equity and truth. We, Sir, avowedly fight for false dignity, and a mere feather. The colonists wage defensive war against the invaders of their country; against the violaters of their undoubted constitutional rights; they fight *pro aris et focis*. The Indian savage opposed to the German savage, the envenomed arrow or poisoned springs, might in them be deemed justifiable expedients for self-preservation, that paramount law of nature. But the hon. mover has proved, that the Congress attempted only to negociate a neutrality with the Indians. Sir, the Congress abhorred the thought of those savages being made parties in our unhappy dispute. How, then, are these sanguinary proclamations issued in Canada, and the use of the tomahawk and the scalping-knife, which indiscriminately butcher the innocent with the guilty, to be justified before God or man? These excruciating instruments vie with the wheel for such lingering tortures as the milder laws of tender hearted Englishmen have hitherto always considered as too horrible for the guilt even of our most atrocious convicts—beyond the crimes of a Gardell, or John the Painter. What can be said, Sir, to extenuate the guilt of the ministers facing me; who, viewing the dreadful effects of their tyrannical mandates through the perspective of their political systems, were determined nevertheless to plunge their country in all this misery, and still madly persevere, without deigning to hold forth to the much injured colonists, any explicit and rational conditions of peace.

With permission of the House, I will now say a few words as to the employing of Indian savages during the last war with France, and shall state positive facts only, leaving all moral comments thereupon to the reflections of those who hear me. So long ago as 1725, the French instigated the Canada Indians, and those of the eastern provinces in general, to murder and scalp the British settlers in New England. One Father Rallé and other bigotted Popish missionaries, were found among the leaders of these inhuman tribes; and France constantly supplied them with arms and ammunition. In 1754, previously to the breaking out of the war, the Indians of the Delaware were instigated by the French to commit a variety of barbarities. They destroyed, at one time, a whole settlement of Moravians, who said, "they trusted to the Lamb of God;" and with the true patience and submission of lambs, were mercilessly butchered, after their women and infants had been scalped before their eyes. In consequence of the unfortunate catastrophe of general Braddock, in the summer of 1755, many of our people were slaughtered by the French Indians. The year following, on the taking of Oswego by the French, our sick and wounded soldiers, while they lay in the hospitals, were likewise slain or scalped. Some months after which, subsequently to the capitulation of Fort William-Henry, the troops of that garrison, who had laid down their arms, underwent a like unhappy fate. Sir, the inhabitants of British America, considering that nothing was more just than that the *necis artifices* should perish by their own expedients, did, very shortly after Braddock's defeat, in the Massachuset's Bay and colony of Virginia, by authority of provincial assemblies, enter into an allianee with many of the Indian chieftains, endeavouring to gain over, by treaties and presents, their old allies, the Six Nations. Sir William Johnson was the principal manager and negociator on those services. Before this step of retaliation was acceded to by the British provinces in general, several Indian Sachems had fairly represented that, unless the English colonies would employ them, and afford proper support, they must necessarily unite themselves with the enemy. The colony of Massachuset's Bay then offered a premium of 50*l.* currency for every male Indian above 12 years old, belonging to France, taken prisoner, and 40*l.* for every scalp. The Virginia colony gave similar rewards; so that all this work of blood was begun (though perhaps in such a case indispensably necessary on our part) before the noble earl of Chatham came into office: for he was first appointed Secretary of State in Dec. 1756; and the continental

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war of America against France in its outset, whether right or wrong, with all the Indian massacres attending it, can no more be laid at his door than the continental war of Germany. He found both were too far advanced for him to have undertaken an entire alteration of their plans or operations. But that he was ever forward to correct, so far as in him lay, the brutal outrages of this cruel mode of war, many convincing proofs can be given. I shall now only instance a letter, inserted in the London Gazette, bearing date Sept. 8, 1760, and sent by sir Jeffrey Amherst to Mr. Secretary Pitt, on the surrender of Montreal: it does honour to the humanity both of that great commander, and the minister to whom the letter was addressed. The general says, that "through sir W. Johnson's care to keep the Indians within humane bounds, he had the pleasure to inform him, that, since the British troops under his command had been in the enemy's country, not a peasant, woman, or child, had been hurt, nor a single habitation burnt."

Thus much I have judged it proper to say, in justice to the ablest statesman, and truest patriot, that this nation—perhaps any other on the face of the globe—was ever blessed with. The praise of so inconsiderable a person as myself, can add but little to his fame; yet I may congratulate parliament, and the whole empire, that his mind, at an advanced age, still retains its superior spirit and vigour; and that, after many painful struggles with bodily infirmities, he seems to have been miraculously snatched out of the jaws of death by an all-merciful Providence, for a no less glorious purpose than to save his country a second time from foul disgrace and the brink of perdition. The superintending genius of this one man, and an immediate repeal of all your injurious American Acts since 1763, may possibly yet restore to us the thirteen revolted provinces; and when we shall be again united in amity, I would recommend a votive column to be erected in each province, of similar import to that which the Roman senate, apprehensive for the liberties of the commonwealth from a standing army, caused to be placed on the boundaries of Italy, towards Cisalpine Gaul; and which remains to this our day in the road leading from Rimini to Cesina: it consigns to the infernal deities, as guilty of inexpiable sacrilege and parricide, whatsoever citizen of Rome should with a military force cross the Rubicon.

What security have we now in these islands, better than the kind assurances of the House of Bourbon? Nine-tenths of your army, and near half your fleet, are many thousand miles distant. The lords commissioners of the Admiralty have repeatedly thought fit to state the royal navy to be actually manned with near 33,000 seamen and marines. A noble earl who presides at the Admiralty-board, affirmed in public, that 35 ships of the line of battle, out of the 43 now in commission, are (without making over any fresh hands) as well equipped and manned for action as any 35 ships whatever sent out of your ports during the last war. On the other hand, I pledged myself to parliament, that this was a daring and dangerous imposition; I defied the commissioners of the Admiralty to give in the names of 20 sail of the line out of the whole number commissioned, that have in fact their proper war-complement aboard. At length, I have been so fortunate as to obtain from government the only clear and fit vouchers for the real strength of your ships of war; and after accurately examining the several weekly accounts brought to your table, I find that all the seamen now aboard your fleet within the home seas, which fleet consists of 105 sail (royal yachts, &c. included) would be little more than sufficient to complete the war-complement of the 43 capital ships of war fitting out. Where, then, would be your frigates for the protection of your trade? I have in my hand a correct list of the best manned ships among them, consisting of twelve men of war of 74 guns, six of 64 guns, and two of 90 guns; and these 20 select ships, of which some are upon cruizes in the Channel (if I allow for a trifling surplus aboard the Asia and Bedford) want about 1,000 mariners to complete their war establishment. The rest of the line of battle ships employed, are infinitely more reduced in numbers. But, Sir, a thorough investigation of this important subject, and a strict enquiry into the expenditure of the many millions granted by parliament for the navy, will, I trust, be thought to merit the serious attention of the House at some future day.

Sir, as I would wish on all occasions, in my public capacity, to render a just tribute to public desert, I must once again touch upon the article of Scotch cannon. I have, within these few days, made a particular enquiry into the state and management of the Carron foundery; and I find, that the very industrious and respectable gentlemen

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who preside over it, have derived, from the accidents and losses I formerly mentioned in the House, the great advantage of being led into a thorough investigation of the nature of the metal of which these guns are composed; so that their cast iron is now rendered of a very superior temper and quality; and their improved process has, by recent experiments at Woolwich, and elsewhere, so far answered their most sanguine hopes, that they come up, I am told, to the Spanish proof, which is the highest proof we know of in the universe for iron ordnance. Sir, whenever the first lord of the Admiralty shall, in his public character, become (like the Scotch cannon) diametrically the reverse of what he has hitherto been, no man here will, with more sincere pleasure, rise up to give him ample commendation, than I shall do. I observe, it is already settled by the ministers, to adjourn till after the Christmas holidays, so late as to the 20th of January. We have, I find, no hopes of effecting any good purpose by continuing to sit, and this adjournment may therefore be highly proper, as it will at least hinder parliament from doing any more mischief for these six weeks. Let me remark to the gentlemen on the other side of the floor, that it will become them not to spend the approaching season in gambols or carousing, but rather to reflect upon the direful consequences of their unconstitutional, oppressive, and sanguinary councils; and, reviewing their own gazettes, to weep over those gallant spirits, who, under generals Howe and Burgoyne, have been sacrificed to unparalleled folly and thirst of power. I can tell those obstinate ministers, that a whole Atlantic of tears would scarce suffice to expunge the stain of their crimes from the annal of the English history.

Mr. *Fox*. The noble lord in the blue ribbon has discovered the prettiest method imaginable to recover America. It is, I must confess, a new way: but what of that? it is a forcible, and for that reason, a successful way: How does the noble lord mean to treat? Why, we have been beaten pretty tolerably. One general and his army are lost, the other is surrounded and in danger; when the other shall be lost, then will be the time to treat. We have been unsuccessful almost in every thing; but it seems, by the noble lord's new logic, we have not yet been unsuccessful enough. —He was very severe on his lordship's want of candour, and his eternally shifting his ground, so as never to permit himself to be tied down to any engagement. If treaty is spoken of, his lordship wishes for it, and the end proposed by it; if war is spoken of, his lordship promises success; in short, whether it be conquest, unconditional submission, treaty, conciliation, taxation, sovereignty, or treating with rebels with arms in their hands, he is for every one of them, and for none of them; but that which immediately answers the temporary purposes of debate; that of voting in a majority; of keeping his place by keeping his friends together; of urging the violent, softening his antagonists, and meeting exactly the ideas of the moderate.—He differed, he said, from the hon. gentleman who made the motion, in his censure of the Declaratory Act. It was most certainly a wise and necessary measure, at the time. It would still have continued so, if it had not been followed by an act for levying certain duties in America, for the purpose of raising a revenue, contrary to the good faith of this country, and the professed understanding of both countries. An opportunity, however, presented itself, within a few years after, for rectifying that blunder; but the noble lord in the blue ribbon, that being the first year of his administration, strongly resisted the proposition of a total repeal; and was, in a great measure, responsible for all the consequences which have since happened. He was ready to acknowledge, that the situation of both countries had undergone a very great alteration, since the passing of the Declaratory Law; and that probably, in case of a future treaty, it must be abandoned; but he could never agree with the hon. gentleman, that the law was tyrannous and unjust; that it was the grand source of our present troubles; or that, in the present state of things, it would be prudent to begin with a repeal of it. It might be necessary to repeal it; but the whole subject ought to be considered in one view; and a proper attention paid to what we were likely to gain, as well as what might be proper to relinquish.

Mr. *Cruger*. I am glad to find, from the arguments which have fallen from both sides of the House, that the expectation and confidence of repressing the resistance of North America by force of arms, are gradually decreasing; and, from the language of the minister himself, we may discover a disposition for peace. Adversity may have taught administration wisdom. It is unfortunate for the nation, however, that their knowledge has been purchased

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at so dear a rate. Had the same temper and spirit which now prevail, directed their counsels in an earlier stage of the controversy, it might have been long ago amicably settled: but the voice of peace was lost in the delusive projects of instantly reducing the colonists to unconditional submission. Their supplications were fruitless; an attention to their complaints was deemed derogatory to your dignity.

When I had the satisfaction of presenting a Petition from the assembly of New York (a mode of application pointed out and encouraged by ministry) unfortunately for this nation, though it contained the most explicit acknowledgment of the supremacy, the favourable moment for treaty was neglected: for by using with contempt the only legislative body who had ventured to address this House for relief in a "constitutional manner," you drove your friends to despair, and exposed them to the derision of the neighbouring colonies. But your armies were then entire, and deemed irresistible. The predictions of gentlemen on this side were despised, and the pride of conquest preferred to the humanity of reconciliation. The event, however, has given you melancholy proofs of your error. You have had the Americans united against you as one determined body, convinced that their liberties were not to be obtained by petition, but by the sword. Your military operations against them have had no other effect than to weaken yourselves, to teach them how to war, and to render their union more perfect.

I am sorry that we have this day an opportunity of deriving arguments against coercive measures from the dishonour lately incurred by the British arms, and the ineffectual sufferings and waste of the blood and lives of men, whose courage and capacity merited a better cause. Would it not have been wiser to have recovered their former affection, by removing their apprehensions of danger to their dearest rights? A repeal of the Act against which they complain, would have tended to this purpose; but, alas! a different path has been pursued, every step of which has been marked with blood and disgrace, and carried us further from every hope of success. What greater folly could there be than to expect to force a people into a friendly union with you, to entrust their rights once more into your hands, and submit their property and lives to your government, by desolating their country, and spreading famine and death over their land! And, Sir, what are the laurels which you have acquired in this destructive warfare? You have subdued not their armies, but the small remains of their affection to this country, their reverence for its laws, and confidence in its generosity.

But admitting, Sir, that your arms had been attended with success; that the Americans had been disposed, from their defeats and sufferings, to sue for peace; what door of refuge has been opened to them? What explicit terms have been proposed to them? What security that they should not be treated (innocent and guilty) as a conquered people, and subject to whatever yoke their haughty victors might have been pleased to impose on them? Sir, it was madness to expect that men who had taken up arms in defence of their liberty, should easily be induced to throw them down, and submit to their conquerors. Was the treatment of those who did put themselves under your protection, any encouragement to others to imitate their example? I cannot find that the citizens of New York, for their singular loyalty, have yet been rewarded with the advantages of civil government, or a restoration of their commerce. No: nothing less than implicit obedience has been expected! they have had no favour held out to them, but the oath of allegiance; no provision for the security of their rights; no solid basis for a settlement of the dispute. From such conduct, Sir, what evidence could the other colonies deduce of your lenity, or disposition favourable to their liberties? By embracing your cause, they expose themselves to the vengeance of the Congress, to have their properties sequestered, and their persons imprisoned. And, in return for their allegiance, what have they obtained? They may, indeed, have the great happiness to rely on the generosity of their conquerors, and be content with such a constitution, and such portions of liberty as you may hereafter be pleased to deal unto them.

Good God! Sir, can it be expected that men with arms in their hands, irritated by repeated provocations, and flushed with success, will surrender to you on such conditions? It is the grossest folly to imagine it. Change, then, your system: reverse those absurd and pernicious measures; for, if the confidence and affection which we have lost are yet to be regained, it can only be by giving them the most undeniable proofs that you wish not to oppress them; that you are willing to re-

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move every ground of complaint, and to afford them the amplest security for their privileges in future. Sir, I can perceive no method so conducive to this end, as that proposed by the hon. mover: the arguments which he has just advanced must convince every candid mind of the inexpediency and oppressive nature of the laws in dispute. I wave all questions of your authority and right. Peace ought now to be our object, and it is a sufficient reason for an immediate repeal, that those obnoxious Acts are an insurmountable bar to reconciliation, and have lost you the hearts of three millions of subjects. While they continue in force, you have to combat all America in union against you.

Sir, from my connections in America, I have had an opportunity of collecting the sentiments of men of all orders and parties, and have reason to believe, that independency is not yet the great object of the majority of the people; but a rooted and unconquerable aversion to those impolitic Acts prevail in every mind. Can there, then, remain a doubt which to prefer? To carry on a war, which has hitherto promised you no success, with the principles and spirit of the people invincibly opposed to you; or to appease their jealousies, and cultivate a return of their friendship? I earnestly wish to impose this important distinction on the minds of all who hear me. If your arms are unsuccessful, disgrace and ruin are inevitable; but a generous though ineffectual attention to the complaints of an injured people, is ever honourable. You have made a full trial of the one, and fatally experienced its futility. Make, then, an experiment of the other, while it yet remains in your power. Sacrifice to peace: not the blood and treasure of this kingdom; not the lives and happiness of our fellow-subjects in America; but a train of acts and measures, which have been barren and inefficacious, or productive only of misery and disgrace.

The *Attorney General* threw the whole blame of the war upon those ministers who repealed the Stamp Act: if the great minister had continued at the helm, who planned that Act, his firmness and wisdom would have insured obedience without bloodshed; but as the Americans had denied the supremacy of this legislature, and had recourse to arms, arms could alone decide it now, and the most vigorous exertions were necessary.

Sir *W. Meredith* replied, that whatever exertions were necessary, this day could not be a fit time to determine upon the force that was necessary to carry on the war. When we found by experience that 55,000 men and 100 ships of war were inadequate, were we now to affect an impotent parade, of carrying on the war with a diminution of 10,000 of the bravest and best disciplined of our troops, commanded by a general, as accomplished in his own profession, as admired in the senate, and beloved and revered in private life, and who had done all that courage, abilities, and diligence could do, to bring the campaign to a better issue? No part of our distresses could be imputed to him. As to the effects of the Stamp Act, he himself (in conjunction with sir G. Savile) had conducted the enquiry that led to the repeal. He appealed to that hon. gentleman and others, whether, if that measure had been persisted in, America would then have resisted? She certainly would; she was prepared, armed, and determined. The repeal procured the blessed effect of peace, and in that happy state we might have continued long, if the government of this country would have refrained from their idle speculations and definitions of supremacy, which had brought on this fatal war; supreme power can neither be defined nor limited, nor extended by argument and by assertions; it consists not in speculation, but in action; events alone require the exercise of it. No man can deny in theory the supreme, unlimited power of the British legislature; but the execution of that power is a trust delegated by the people, and to be guided by principles of liberty and justice, not only for the people at large, but with regard to the rights of every individual intrusted to our care.

Mr. *Adam* made some severe reflections on sir William, for deserting his principles, and his friends the ministers, in the hour of their dismay.

Sir *W. Meredith* replied, that instead of deserting his principles, he adhered to them: that he had opposed the Declaratory Act, though brought in by the minister under whom he held an honourable and agreeable employment: that he had never voted for any one measure that tended to create or to support this war: that at the beginning of this unhappy business he desired to resign: that he did not quit the ministers in their hour of dismay, but in their moment of triumph, on the notification of the last successful accounts from America.

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The House then divided on Mr. Wilkes's motion:

Tellers.

YEAS	Mr. Temple Luttrell - Mr. Cruger - - -	10
NOES	Sir Grey Cooper - - Mr. John St. John -	160

So it passed in the negative.

Debate in the Commons on the Motion of Adjournment.] Lord *Beauchamp* then moved, "That this House will, at its rising, adjourn till the 20th of January." His reasons for the adjournment were principally these: the supplies were voted, the usual business before the Christmas recess gone through, and however some people might enhance the misfortune of the Canada expedition, he saw no business of moment that called for the attention of parliament; and his great reason for wishing to have it adjourned was this, that as a general enquiry was appointed, time ought to be given for the men in administration to prepare.

Earl *Nugent* supported the motion, and asked what should we do here, when probably it would not be one day in ten, that members sufficient to constitute a House, would attend; and it would not be insisted, he presumed, that matters on which the dearest interests, nay the very existence of the nation depended, were proper to be discussed in a thin House: nay, the fact was, that parliament had nothing to deliberate upon, till accounts of importance should be first received from America.

Mr. *T. Townshend* said that an adjournment of six weeks, in so critical a situation of affairs, would be a very improper and hazardous measure, and which ministers ought to venture on with caution. He thought the adjournment ought to be as short as possible, even from day to day. It was, indeed, matter of astonishment, that any one who had the honour of his Majesty's confidence, dared advise such a measure. He hoped the necessity of keeping the members in town would appear so urgent at the present crisis, that even the minister's most steady friends would desert him on the present occasion: he owned, that this motion, daring and absurd as it appeared, in such a season of national calamity, was nevertheless not unaccompanied with a circumstance which ought to give pleasure to every real friend of his country; it portended the falling of the curtain, the exit of those weak, obstinate, and improvident ministers, who have driven this country into its present distressful situation. Ministers are not able longer to face their adversaries in parliament. They fly from public observation and enquiry, and brood over their approaching disgrace in a kind of political despair: they tremble for consequences, they have neither the ability to provide against, nor the fortitude to meet.

Sir *George Savile* said, that for his part, he should be ashamed to face his constituents, if he had given a vote for neglecting his and their interests at so momentous a period, when the very existence perhaps of the empire was at stake.

Mr. *Coventry* contended there was no instance of such a proceeding, in the records of parliament. He did not wish to embarrass administration, but most certainly, if some very cogent reason was not advanced in support of the motion, he should give it his hearty negative.

Mr. *Henry Dundas* supported the motion on the ground, that it would be highly improper, to enter at this particular time, into any enquiry relative to the conduct of the King's servants; because, such an inquiry would involve in it, that of our officers and commanders abroad, in their absence, and while their duty required their attendance in another place; while in fact, they were engaged in the very service for which they were to be censured. If such an enquiry should at any future time appear necessary, it should be a previous condition, that the officers whose conduct was involved in that of ministers, should be present, not only to inform parliament, but if circumstances called for it, to answer for, and justify themselves. Nothing like this could take place, within the short period assigned to the recess.

Mr. *Burke* moved, that the motion be amended by leaving out the 20th of January, and inserting instead thereof the words "this day se'nnight." He spoke strongly against the language held this day by the friends of the minister; his lordship was determined, he perceived, to keep his place at all events; whether treaty or war should be the determination of that House, the noble lord was prepared. But let the noble lord be ever so pliant, how was he sure that America would treat with him, or any of his colleagues in office? He suspected, though America were ever so willing to treat, and the noble lord and his friends ever so willing to sacrifice what they called the right and supreme power

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of this country, no negociation could possibly succeed in their hands. The colonies had been so often deceived, abused, and trifled with, that he was certain they would never listen to any proposals of peace, conveyed through such a channel. He insisted, that now was the proper time for enquiring, when one army was annihilated, another besieged, and our natural and avowed enemy, the French, negociating a treaty with our colonies,—perhaps not negociating but even perfecting a treaty by which America will be irrecoverably lost to this country. If this was the true state of our critical situation, which he verily believed it was; surely it was a proper time for inquiry, not for an adjournment of six weeks. He was remarkably severe upon lord North, and after repeating his former assertion, dwelt upon his lordship's expression, that he meant to make propositions of peace, and appealed to the good sense, experience and observation of the House, whether it was within the most distant views of probability to expect that he whose incapacity, obstinacy, or inattention, had been the cause of every measure, no matter whether it was accommodation or coercion, was the proper person to propose any future measure leading either way. The plea he contended was monstrous, the expectation in the highest degree improbable and absurd!

Lord *North* replied, that he never meant, by what he said, to negociate away the rights of this country. He appealed to the House if his words were not, that he thought we might have such a force in America as would be sufficient to enable us to offer terms to our rebellious subjects, consistently with our dignity, and with the sovereign and controlling rights of this country. He said, that every argument offered against the motion, went to prove nothing. The campaign was already terminated. France did not molest us; nor did he believe either France or Spain had the least intention to molest us; but whether they had or had not, we were prepared. All the public business that was usually done in the early part of the session was completed. For his part, therefore, he could not perceive the most distant motive for objecting to the motion, nor had he heard a single ground for the amendment. If upon a full enquiry after the recess, measures of a consequential nature should become necessary, the committee for an inquiry into the state of the nation, fixed for the 2d of February, would be the proper place and time, to deliberate on them. His lordship gave a particular explanation, to what had fallen from Mr. Burke, relative to a supposed intention in him, of negociating away the rights of this country, in order to keep his place. What he meant was, that he hoped the campaign had produced events, which would enable us to enforce a conciliation with the colonies, on true constitutional grounds. That he never thought of making any propositions, till the fate of the present campaign were known, nor then neither, if it should happen during the recess; but after the holidays, when the whole of the past military operations, and the intended measures, could come together properly before the House, he would then move the House to consider of what concessions might be proper to be made the basis of a treaty, and he trusted yet, that their endeavours would prove effectual, in bringing about a permanent peace and union between both countries.

Mr. *Fox* controverted almost every thing offered by the noble lord. He insisted that the House of Bourbon were hostile; that they only waited for a favourable opportunity to break with us; and that favourable opportunity would present itself the very instant the first bad news arrived from America. He entered into several explanations, and seemed, from motives of generous pity, to direct his galling attacks against the great financier, sooner than press too closely on the American minister. He reprobated the plea of the noble lord's offering himself to be a negotiator; being, he said, well convinced, that the Americans would never listen to any treaty coming from his lordship. He was obnoxious to them, and if he persisted to retain his present station, as minister, it would most certainly prevent every accommodation, which came recommended to them, by a man whom they suspected, detested, and despised.

The question being put upon lord Beauchamp's motion, the House divided:

Tellers.

YEAS	Mr. Robinson - - - -	155
	Mr. D'Oyley - - - -	
NOES	Mr. Fox - - - - -	68
	Mr. Burke - - - - -	

So it was resolved in the affirmative; and the House adjourned to the 20th of January, 1778.

Debate in the Lords on the Motion of Adjournment.] Dec. 11. The Earl of

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Oxford moved, "That this House do adjourn to the 20th of January 1778."

The Earl of *Abingdon*. I am just come up from the country, as I supposed, to do, with the rest of your lordships, our business in parliament; but I find that we are already met here to day, in order to be sent about our business into the country, as if the business of parliament was not our business, and that we were called up only to do the business of ministers. Supplies are voted, and, at this tremendous conjuncture of events, there is, it seems, no further need of the great constitutional council of the nation. But, my lords, before I go, I will leave one word behind me; it is an important word, and its subject matter is of a very pressing nature.

My lords, when a noble duke, whose manly and spirited conduct against this war of slavery will ever have the testimony of my warmest applause, made his motion the other day for an enquiry into the state of the nation, his grace said, he desired his motion might be understood as a general motion, open to every enquiry, and not simply confined to any propositions of his own; it is therefore, my lords, under the shelter of this noble duke's motion, that I have now a motion of my own to make, in addition to those that have been already received. My lords, humanity has ever been the characteristic of Englishmen; but, my lords, whether corruption has, with our morals, changed our very feelings, or whether it be owing to that exotic influence which has so long directed our councils, or not, it is not for me to determine; but, my lords, instead of humanity, our national character is now stamped with inhumanity; and what is worse, we have the damning proofs before our eyes. My lords, I am informed, and my information is to be depended upon, that the American prisoners in this country (men who are made prisoners in the glorious cause of liberty, and are nick-named rebels, only to sanctify the rebellion of ministers against the freedom of this country) are treated with a savage barbarity. My lords, I have heard some of their complaints, and they have gone to my heart. I will give you one of them in instance.

My lords, we all know, or the reverend bench of bishops will tell us so, that there are certain religious objections against inoculating for the small-pox. These objections the Americans for the most part have; and in proportion to the credulity of the objection, do the fears of the disease increase. It was necessary, my lords, to premise this; now for the fact. In one of the prisons, a prisoner was inoculated for the small-pox; and after the eruption appeared, the patient was put into a cell with five Americans, who had never had the disorder. They expressed their fears; and I do suppose, they were therefore called 'cowards;' but this your lordships may be assured of, that neither fears nor tears, nor prayers, were able to remove the sick from the well. My lords, if this be abetted, and does not meet with condign punishment, all government here is at an end, and civil society no more; for, my lords, what is civil society, but a public combination for private protection?

My present motion, therefore, my lords, is, "That an humble Address be presented to his Majesty, requesting that he will be pleased to direct, that all orders and instructions which have been given by the officers, whose business it is, to the several gaolers, or keepers of other houses of confinement from time to time, since the commencement of hostilities, and the bringing of American prisoners into this country, down to the 1st of the present month of December, respecting the custody and treatment of the said prisoners, may be laid before this House; and that the returns which have been made to office from the said prison, of their number and deaths, together with the accounts of each article of expence, attending their confinement, may likewise be produced."

My lords, I have made this motion, not only from feelings of humanity, but from motives of policy. Your lordships will remember, that there is such a thing as the law of retaliation. Whilst you are making prisoners of the Americans by fifties and hundreds, they are making prisoners of you by whole armies. The fate of general Burgoyne is known; and if general Howe does not again shift his position, his fate will be the same. My lords, I will only add, that I hope this motion will be agreed to, and that it will be productive of good: but, my lords, as it will be some time before it can have its effect, I must signify to your lordships, that it is my intention, in the mean while, to promote, as much as lies in me, a subscription for the relief of these unfortunate prisoners, in hopes of procuring the contribution of every noble lord of this House; for, my lords, the majority lords, who have benefited by the American war, can afford it. Those who have not (the

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bishops) will remember, that charity covereth a multitude of sins; and as to the minority lords, they will be all led to it from principle. Thus, my lords, I shall not despair of there being collected, at least as much money for those honest Whigs, as was procured for those Tory priests, who, for attempting to undermine the liberties of America, were driven out of that country, and are, perhaps for the same purposes, now pensioned in this.

Lord *Dudley* observed, that according to established form, the House having before them the motion for adjournment, they could not in regularity either hear read or debate upon any other motion, till that was got rid of, either by being withdrawn, or being carried; if the latter, the noble earl's motion must necessarily drop till the meeting after the holidays.

This brought on a short altercation with respect to parliamentary forms; during which

The Earl of *Abingdon* complained of jockeyship, declaring that he was upon his legs as soon as the noble earl who moved the adjournment, and that therefore if his motion could not be attended to on account of the noble earl's having been read first, or because the noble earl might not be willing to withdraw his motion, which would have as full an effect if moved subsequent to his, he should conclude that an unfair advantage had been taken of his inexperience in points of order.

The Duke of *Richmond* remarked, that nothing was more certain than that two motions could not be before the House at one and the same time. The motion of adjournment was made first, and must, if the noble earl persisted in keeping to it, be the only motion debated; but he begged their lordships to consider, that the honour of the House was at stake, their character for decency and candour was involved in the present embarrassment. The noble earl's motion went to a very important object, an object of too serious a nature to be thus swept away by a motion for adjournment. Was that the case, his grace said, the noble earl might well complain of jockeyship; it was certainly taking an advantage which it was beneath the dignity of their lordships to suffer to be taken. If the motion of the noble earl was disagreeable and improper, the fair line of conduct would be, to withdraw the motion for adjournment, and either to debate the noble earl's motion, and carry it by a majority, or to move the previous question upon it.

Lord *Dudley* disclaimed the application of the word jockeyship, and declared that he had no other view in speaking to order, but for the preservation of those forms necessary for the dispatch of business, and the regularity of parliamentary proceedings.

The Earl of *Suffolk*, having read the intended motion, informed the House, that he had not the least objection to it, and if, for the sake of getting on with the business of the day, their lordships would admit of a small irregularity, and the noble earl would be satisfied, he would pledge himself to lay before the House, on the day appointed for an enquiry into the state of the nation, the papers sought by the present motion.

The Earl of *Chatham* acknowledged, that he was not very intimately acquainted with the particular forms of the House; yet he could not but see, that they were like to violate all the rules of parliamentary form, if they admitted a minister's promise to be a full compliance with the orders of that House. With regard to the noble earl's motion, he said they had certainly entangled themselves a little, respecting the mode of receiving it; nevertheless, were the offer made by the noble earl in office accepted, it would indeed overturn all order substantially, and would create a precedent, which might, at some future period, prove exceedingly dangerous, and produce much worse consequences than could be involved in the fate of the question either way. If ministers were to substitute vague, parole promises for parliamentary documents, there would be an end of the constitutional controul of that House; ministers would be no longer responsible; they would be at liberty at all times to excuse themselves, by saying, that they promised what was not in their power, or what they ought not to have promised. On these grounds, to steer clear of the difficulties on either hand, his lordship advised, that the motion of adjournment should be withdrawn; that his noble friend's motion should be received, which, when disposed of, would leave the noble earl at liberty to repeat the original motion of adjournment.

The Earl of *Suffolk* denied, that he had any such intention as that imputed to him by the noble earl. He only offered to pledge his word to produce the papers called for, merely to get rid of the dilemma which the claims of the two noble lords seemed to have brought the House

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into; this being his only motive, he entirely approved of the proposed expedient; and cheerfully consented to accede to the noble earl's proposition.

The Earl of Abingdon's motion being read by the Chancellor, and agreed to; the earl of Oxford made his motion to adjourn to the 20th of January.

The Earl of *Chatham* said:

My lords; it is not with less grief than astonishment I hear the motion now made by the noble earl, at a time when the affairs of this country present, on every side, prospects full of awe, terror, and impending danger; when, I will be bold to say, events of a most alarming tendency, little expected or foreseen, will shortly happen; when a cloud, that may crush this nation, and bury it in destruction for ever, is ready to burst and overwhelm us in ruin. At so tremendous a season, it does not become your lordships, the great hereditary council of the nation, to neglect your duty; to retire to your country seats for six weeks, in quest of joy and merriment, while the real state of public affairs calls for grief, mourning, and lamentation, at least, for the fullest exertions of your wisdom. It is your duty, my lords, as the grand hereditary council of the nation, to advise your sovereign—to be the protectors of your country—to feel your own weight and authority. As hereditary counsellors, as members of this House, you stand between the crown and the people; you are nearer the throne than the other branch of the legislature, it is your duty to surround and protect, to counsel and supplicate it; you hold the balance, your duty is to see that the weights are properly poised, that the balance remains even, that neither may encroach on the other; and that the executive power may be prevented, by an unconstitutional exertion of even constitutional authority, from bringing the nation to destruction. My lords, I fear we are arrived at the very brink of that state; and I am persuaded, that nothing short of a spirited interposition on your part, in giving speedy and wholesome advice to your sovereign, can prevent the people from feeling beyond remedy the full effects of that ruin which ministers have brought upon us. These are the calamitous circumstances, ministers have been the cause of; and shall we, in such a state of things, when every moment teems with events productive of the most fatal narratives—shall we trust, during an adjournment of six weeks, to those men who have brought those calamities upon us, when, perhaps, our utter overthrow is plotting, nay, ripe for execution, without almost a possibility of prevention? Ten thousand brave men have fallen victims to ignorance and rashness. The only army you have in America may, by this time, be no more. This very nation remains no longer safe than its enemies think proper to permit. I do not augur ill. Events of a most critical nature may take place before our next meeting. Will your lordships, then, in such a state of things, trust to the guidance of men, who, in every single step of this cruel, this wicked war, from the very beginning, have proved themselves weak, ignorant, and mistaken? I will not say, my lords, nor do I mean any thing personal, or that they have brought premeditated ruin on this country. I will not suppose that they foresaw what has since happened; but I do contend, my lords, that their guilt (I will not suppose it guilt), but their want of wisdom, their incapacity, their temerity in depending on their own judgment, or their base compliances with the orders and dictates of others, perhaps caused by the influence of one or two individuals, have rendered them totally unworthy of your lordships' confidence, of the confidence of parliament, and of those whose rights they are the constitutional guardians of, the people at large. A remonstrance, my lords, should be carried to the throne. The King has been deluded by his ministers. They have been imposed upon by false information, or have, from motives best known to themselves, given apparent credit to what they were convinced in their hearts was untrue. The nation has been betrayed into the ruinous measure of an American war, by the arts of imposition, by their own credulity, through the means of false hopes, false pride, and promised advantages, of the most romantic and improbable nature. My lords, I do not wish to call your attention entirely to that point. I would fairly appeal to your own sentiments, whether I can be justly charged with arrogance or presumption, if I said, great and able as ministers think themselves, that all the wisdom of the nation is confined to the narrow circle of the petty cabinet. I might, I think, without presumption, say, that your lordships, as one of the branches of the legislature, may be as capable of advising your so-

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vereign, in the moment of difficulty and danger, as any lesser council, composed of a fewer number; and who, being already so fatally trusted, have betrayed a want of honesty, or a want of talents. Is it, my lords, within the utmost stretch of the most sanguine expectation, that the same men who have plunged you into your present perilous and calamitous situation, are the proper persons to rescue you from it? No, my lords, such an expectation would be preposterous and absurd. I say, my lords, you are now specially called upon to interpose. It is your duty to forego every call of business and pleasure; to give up your whole time to inquire into past misconduct; to provide remedies for the present; to prevent future evils; to rest on your arms, if I may use the expression, to watch for the public safety; to defend and support the throne; and, if fate should so ordain it, to fall with becoming fortitude with the rest of your fellow-subjects in the general ruin. I fear this last must be the event of this mad, unjust, and cruel war. It is your lordships' duty to do every thing in your power that it shall not; but, if it must be so, I trust your lordships and the nation will fall gloriously.

My lords, as the first and most immediate object of your enquiry, I would recommend to you to consider the true state of our home defence. We have heard much from a noble lord in this House, of the state of our navy. I cannot give an implicit belief to what I have heard on that important subject. I still retain my former opinion relative to the number of line of battle ships; but as an enquiry into the real state of the navy is destined to be the subject of a future consideration, I do not wish to hear more about it, till that period arrives. I allow, in argument, that we have 35 ships of the line fit for actual service. I doubt much whether such a force would give us a full command of the Channel. I am certain, if it did, every other part of our possessions must lie naked and defenceless, in every quarter of the globe. I fear our utter destruction is at hand. [Here and in many other parts of his speech, his lordship broadly hinted, that the House of Bourbon was meditating some decisive and important blow near home.] What, my lords, is the state of our military defence? I would not wish to expose our present weakness; but weak as we are, if this war should be continued, as the public declaration of persons in high confidence with their sovereign would induce us to suppose, is this nation to be entirely stripped? And if it should, would every soldier now in Britain be sufficient to give us an equality to the force in America? I will maintain they would not. Where, then, will men be procured? Recruits are not to be had in this country. Germany will give no more. I have read in the newspapers of this day, and I have reason to believe it to be true, that the head of the Germanic body has remonstrated against it, and has taken measures accordingly to prevent it. Ministers have, I hear, applied to the Swiss Cantons. The idea is preposterous! The Swiss never permit their troops to go beyond sea. But, my lords, if even men were to be procured in Germany, how will you march them to the water-side? Have not our ministers applied for the port of Embden, and has it not been refused? I say, you will not be able to procure men even for your home defence, if some immediate steps be not taken. I remember during the last war, it was thought advisable to levy independent companies: they were, when completed, formed into battalions, and proved of great service. I love the army, I know its use; but I must nevertheless own, that I was a great friend to the measure of establishing a national militia. I remember the last war, that there were three camps formed of that corps, at once in this kingdom. I saw them myself; one at Winchester, another in the West at Plymouth; and a third, if I recollect right, at Chatham. [Told he was right.] Whether the militia is at present in such a state as to answer the valuable purposes it did then, or is capable of being rendered so, I will not pretend to say; but I see no reason why, in such a critical state of affairs, the experiment should not be made; and why it may not be put again on the former respectable footing. I remember, all the circumstances considered, when appearances were not nearly so melancholy and alarming as they now are, that there were more troops in the county of Kent alone, for the defence of that county, than there are now in the whole island.

My lords, I contend, that we have not, nor can procure, any force sufficient to subdue America. It is monstrous to think of it. There are several noble lords present, well acquainted with military affairs. I call upon any one of them to rise and pledge himself, that the military force now within the kingdom is adequate to its defence, or that any possible force to be pro-

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cured from Germany, Switzerland, or elsewhere, will be equal to the conquest of America. I am too perfectly persuaded of their abilities and integrity, to expect any such assurance from them. Oh! but if America is not to be conquered, she is to be treated with. Conciliation is at length thought of; terms are to be offered. Who are the persons that are to treat on the part of this afflicted and deluded country? The very men who have been the authors of our misfortunes: the very men who have endeavoured, by the most pernicious policy, the highest injustice and oppression, the most cruel and devastating war, to enslave those people; they would conciliate to gain the confidence and affection of those, who have survived the Indian tomahawk, and the German bayonet. Can your lordships entertain the most distant prospect of success from such a treaty, and such negociators? No, my lords, the Americans have virtue, and they must detest the principles of such men; they have understanding, and too much wisdom to trust to the cunning and narrow politics which must cause such overtures on the part of their merciless persecutors. My lords, I maintain, that they would shun, with a mixture of prudence and detestation, any proposition coming from that quarter. They would receive terms from such men, as snares to allure and betray. They would dread them as ropes, meant to be put about their legs to entangle and overthrow them in certain ruin.

My lords, supposing that our domestic danger, if at all, is far distant; that our enemies will leave us at liberty to prosecute this war with the utmost of our ability; suppose your lordships should grant a fleet one day, an army another: all these, I do affirm, will avail nothing, unless you accompany it with advice. Ministers have been in error; experience has proved it; and what is worse, they continue in it. They told you in the beginning, that 15,000 men would traverse America, without scarcely the appearance of interruption; two campaigns have passed since they gave us this assurance. Treble that number has been employed; and one of your armies, which composed two-thirds of the force by which America was to be subdued, has been totally destroyed, and is now led captive through those provinces you call rebellious. Those men whom you called cowards, poltroons, runaways, and knaves, are become victorious over your veteran troops; and in the midst of victory, and flush of conquest, have set ministers the example of moderation and of magnanimity worthy imitation.

My lords, no time should be lost which may promise to improve this disposition in America; unless, by an obstinacy founded in madness, we wish to stifle those embers of affection which, after all our savage treatment, do not seem as yet to have been entirely extinguished. While on one side we must lament the unhappy fate of that spirited officer, Mr. Burgoyne, and the gallant troops under his command, who were sacrificed to the wanton temerity and ignorance of ministers, we are as strongly impelled on the other to admire and applaud the generous, magnanimous conduct, the noble friendship, brotherly affection and humanity of the victors, who condescending to impute the horrid orders of massacre and devastation to their true authors, supposed, that as soldiers and Englishmen, those cruel excesses could not have originated with the general, nor were consonant to the brave and humane spirit of a British soldier, if not compelled to it as an act of duty. They traced the first cause of those diabolical orders to their source; and, by that wise and generous interpretation, granted their professed destroyers terms of capitulation, which they could be only entitled to as the makers of fair and honourable war.

My lords, I should not have presumed to trouble you, if the tremendous state of this nation did not, in my opinion, make it necessary. Such as I have this day described it to be, I do maintain it is. The same measures are still persisted in; and ministers, because your lordships have been deluded, deceived and misled, presume, that whenever the worst comes, they will be enabled to shelter themselves behind parliament. This, my lords, cannot be the case: they have committed themselves and their measures to the fate of war, and they must abide the issue. I tremble for this country; I am almost led to despair, that we shall ever be able to extricate ourselves. Whether or not, the day of retribution is at hand, when the vengeance of a much injured and afflicted people will, I trust, fall heavily on the authors of their ruin; and I am strongly inclined to believe, that before the day to which the proposed adjournment shall arrive, the noble earl who moved it will have just cause to repent of his motion.

Lord *Osborne* said, the motion for ad-

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journment was the usual motion at this season of the year; nor could he see what good purpose it would answer to keep their lordships in town by short adjournments; because no immediate measures could be taken without the concurrence of the other House. He supposed, that none of their lordships wished to get out of town, to enjoy, during the Christmas, scenes of festivity; on the contrary, if measures of great moment were to be taken under consideration soon after the recess, he thought that the closet, not an ineffectual attendance merely to adjourn, would be the properest scene for their lordships during that period. He could not determine what truth was in the report of the defeat of Mr. Burgoyne; but supposing the transaction to be exactly as stated by the noble earl, in his opinion, that affair would be better explained by the general himself. He had a still stronger objection to enter into any discussion relative to the causes of that gentleman's miscarriage; and that was, that probably the general, by being captive, might be furnished with the means of striking on some ground of treaty, which might be acceptable to both parties. Many instances were recorded in history, where captive generals had learned something material relative to the ultimate objects of their adversaries; when both sides being inclined to make concessions, matters being thus previously understood, the contest has terminated in an amicable treaty.

The Duke of *Manchester* asked, how was it possible that any noble lord could decide on a plan yet in embryo? How could they turn their thoughts upon measures to be pursued, while they were totally kept in the dark respecting them, and ignorant of that species of information, which could only enable them to deliberate with propriety. His grace desired to know what the overthrow of the army under Mr. Burgoyne had to do with his arrival? The Lords were not to hold a court-martial on his conduct. It was sufficient that the surrender had happened, to excite the enquiry of parliament. His grace hoped that before the adjournment, ministry would at least have suffered their lordships to have gone home, enabled, in some degree, to judge of the propriety of the measures intended to be pursued, in order to retrieve the honour of the nation, by allowing them that kind of information which would give them a proper knowledge of the real state of public affairs; as, however, his hopes had proved vain, he could not but lament the wretched fate of this country, and deplore with the noble earl, that although its danger became daily more imminent, ministry were so shamefully inattentive to its necessary protection. He concluded with lamenting the fate of Mr. Burgoyne, whom he looked upon as extremely ill treated, by those who committed to him the execution of an expedition, equally mad, impracticable, and absurd.

The Earl of *Suffolk* observed, that the noble earl recommended short adjournments, merely for the purpose of giving advice to his Majesty. He could not perceive what possible good could accrue from such a conduct. That House was not competent to recommend any specific measures; they must have the approbation of the whole legislature. Whether for peace, or war, the measures respecting America hitherto had been sanctioned by parliament; and he presumed, to give them efficacy, it would be necessary to continue to give them the same sanction to the end. It had been thrown out that ministers wanted to screen themselves behind parliament. Parliament did this; parliament did that. As one of the number, he disclaimed any such subterfuge, as it had been termed. He believed parliament heartily approved of the measures ministers proposed; he was certain the people saw the necessity of them; whenever either one or the other should think proper to change their opinion, he was ready to acquiesce; but in so doing, he would not be understood that he sought thereby any personal indemnity. He acted fairly and openly; he desired no more than to have his conduct as fairly and openly enquired into.

America, it was asserted, would never treat with persons who, according to the language of the noble earl, had endeavoured to oppress and enslave them; but he presumed, whenever the time of negociation should arrive, that the noble earl would find himself mistaken. His lordship had described the people of America as full of wisdom and good sense; he doubted not they would, on cool reflection, know how to discriminate between those who all along endeavoured to fill them with false fears, and inflame the resentments of America, which had been created by these pretended fears and factious harangues, from men who were engaged in defending the rights of the em-

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pire, which had been committed to their charge. On the other hand, he was convinced, that the public here had judgment enough not to trust their dearest interests to those who had, from the beginning, been solicitous to throw every possible impediment in the way of government; and who, of course, had assisted all in their power to cause those very difficulties they now affect so much to lament. He did not wonder, that some noble lords wished for opportunities to advise his Majesty; but he could tell those lords, that their advice would not be called for; they might give it in parliament, but no where else.

On the subject of the difficulty of procuring foreign levies, he heard it asserted with great confidence, that Switzerland, Holstein and Denmark had been applied to for troops; and, on a former debate, Sweden. He protested, if those powers had been applied to, it was without his knowledge; consequently, he was free to say, they were not: nor if they had, would they, he believed, have all refused. It was true, difficulties had arisen the last year relative to the foreign troops; so they had this; but as, on the former occasion, they were removed, so he flattered himself they would on the present. The spirit of loyalty and sound patriotism, whatever endeavours had been made to damp it, was not extinguished. He had, within the last 48 hours, received offers of an important nature, without application or solicitation, from several parts of the kingdom, every corner of which was both able and ready to give aid. It was recommended by the noble earl, who first opposed the motion, to keep that House sitting the whole recess, by short adjournments, to be at hand in case of any important event; to advise his Majesty, because, said his lordship, the King and people have been misled and deceived. That, the King and the people best knew—and, without they were each of opinion, that the cabinet had counselled insincerely and erroneously, this argument was entirely invalid. He could not reconcile the inconsistencies in the noble earl's conduct and declarations: he himself had authorized, with his sanction, enquiries that were to be made on the 2d of February, and now he wished to fill the interval up with business of another and less important nature. The noble earl had reproached parliament with being the secret concealment of ministers, the screen behind which they had always hitherto sheltered themselves; for his own part, he despised the resource, and when a public enquiry should be made, he would trust his own personal exculpation to the justice of the House, and the justice of the people. He did not condemn men for wishing to administer their counsel in parliament, who would have no opportunity of doing it any where else; but till better proofs could be had of the want of ability and integrity of administration than had been offered to-day, he should, as one of the number, look upon himself intitled to a share of the confidence they had hitherto experienced. The present motion was no novelty; it was a motion common to the season, with this difference, that it came a few days earlier than usual; because the necessary business of parliament had been sooner dispatched. His lordship concluded with declaring, that the conduct of a vagrant Congress, a Congress which no person at home knew where it had run to, was not to be held up as an object of example to their lordships. He added, that the spirit of a great nation was not to be broken by a single misfortune; that the spirit of this country would, he doubted not, be roused by Mr. Burgoyne's accident; that government itself would prepare to prosecute the war with vigour, that the King's servants, however, would, in the recess of parliament, consider of what terms of conciliation were proper to be held out to America, and at a proper time they would not fail to offer those terms.

The Duke of *Richmond* attacked the earl upon his declarations of ingenuousness, and his disclaiming any desire to screen himself behind parliament. He urged the noble earl to keep his word, and say at once, and like an honest man, what he would advise as a proper measure to extricate us from our present disgrace and difficulty. He next attacked him for having said that the councils of those lords who thought differently from the King's servants, would never be asked respecting the present state of affairs. He said, it was the height of presumption for any minister to hold such language: that it was but an ill compliment to the noble earl, through whose exertions, during the last war, the glory of this country had been raised so high, to tell him his opinion was of no weight: that his Majesty had certainly a right to chuse his servants, but for one of those servants to forerun the King's prerogative, and say who his Majesty would or would not employ, was at once

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indecent and unparliamentary. His grace bid the noble earl remember, that he had but a few days since said, that he would give their lordships every official paper relative to Mr. Burgoyne, as soon as that officer should arrive, and the time for enquiry was ripe. How could the noble lord keep his promise, if the present motion was carried? Was it not a scandalous trick, a mere device, to save his word, and yet avoid the enquiry, an enquiry of infinite importance to the nation; it was, to advert to the phrase he had in the prior debate adopted, mere jockeyship: a piece of parliamentary jockeyship! His grace next arraigned the cabinet as materially inadequate to the purpose of planning, or undertaking such a war as the present, because there was not one military man in the council. The want of a military head to that body, had been apparent throughout the whole business, and it was madness to pursue it, unless some officer of experience was admitted into the council, and would make himself answerable for the consequences.

With regard to what the noble marquis had thrown out relative to the other House being adjourned, were the members of that assembly to guide the conduct of their lordships? Were they to become the — he had almost said — the school-masters of that House? He hoped their lordships saw their own importance too properly, and felt for their dignity too much, to look for example further than as their consciences directed. The noble marquis had laid a stress on general Burgoyne's coming home charged with some treaty, the duke remarked, that if what the Gazette and the newspapers had said was true, respecting that officer's publications in America, he did not imagine the Americans would be much inclined to treat with him, or hold friendly parley with a man who had in such extravagant terms threatened death and desolation to all who opposed him. His grace mentioned the articles of capitulation having been published, and questioned the lords in office closely as to what they meant by proper terms of conciliation, and when they considered it a proper time to offer these terms, if the present moment was not that time. His grace went over the ground of the old endeavour to treat on Staten Island, when the three commissioners from the Congress insisted on their being considered as the deputies of independent states as a preliminary, and in consequence of that preliminary being refused, the whole attempt to treat proved abortive. His grace asked their lordships if the thirteen colonies were not at this instant independent states, urged the standing out against that title as a ridiculous and dangerous punctilio, giving it as his opinion that no terms whatever would be accepted by America, unless her independency was made the ground-work of the treaty.

As to the state of the nation, the Lords would in time be possessed of the papers necessary to discover it. Thus much only was applicable to the present purpose. The militia afforded but a weak defence; and as to the handsome offer which had been boasted by one of the ministers, it would prove only a broken reed in the hour of extremity. On the sharp point of hope, confidence would expire. To what had the independent companies formerly raised by noblemen amounted? To only ten battalions, about 7,000 men. They were raised when the general ardor of the people was at the highest, when men were unanimous in their opinions. Was this the case at present? Let the expedient be tried in order to discover the multiplicity of dissentient voices. But admitting that we could raise 7,000 men, such a number would not be adequate to our losses. From 55,000 men, the army in America had been reduced to 25,000. A most calamitous reduction! and such as would require more handsome offers than any which government would receive, to reinstate the loss.

Terms of accommodation had been hinted as necessary to be offered at a proper season. Of what nature were the terms? and when was the proper season? The noble earl in office had affected a shew of candour. Why did not his actions and his words agree? Why did he not speak out as a man? He had disclaimed the idea of screening himself behind parliament, it was equally mean to screen himself behind the veil of jesuitical secrecy. The noble lord had talked in an high strain of bombast about the mighty supremacy and the fundamental rights of this country. The hour of defeat was not the time for such language. The question was not what we wished to do in the spirit of conquest; but what we were able to do by an exertion of strength. Could we conquer America? We could not. We had failed most miserably in the attempt. To talk, therefore, of a proper season, now was the time, before we experienced

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greater calamities. We had formerly claimed supremacy over Scotland by as valid a right of conquest as that by which we claimed supremacy over America; yet this chimerical claim had been waved, and an union had taken place. If we would treat with America, we could do it only by waving all claims of supremacy, by giving up what in the high-flown spirit of Quixotism ministers had termed the fundamental rights of this country; we must treat with the colonies as independent. A fœderal union with America was the utmost that could be expected. Before we could regain America, we must reconquer it. The fate of Mr. Burgoyne had evinced the folly of attempting a conquest. If conquest were impracticable, the independence of America had been already secured. Was there any one of the ministers who would say, that America was at this moment in a dependent state? As soon as the colonies had been declared to be out of the peace of the King, they had formed a plan of government. Protection being denied, the law of self-preservation became the rule of duty; a mode of government founded on the principles of self-preservation took place, and continued in efficacy ever since; colonies at this moment were independent; we must bring them back by conquest to a dependent state. That measure we had already tried, and it had been found to be impracticable. The only measure that remained was to negociate a peace with America on these terms; admitting her independence, and forming such an alliance, or fœderal union, as would be for the mutual interests of both countries.

Viscount *Weymouth* endeavoured to justify the noble earl in office respecting what he had said about the opinions of the lords who opposed the motion, which the duke had applied as if the earl meant to say, that his Majesty would not ask the opinion of those lords in general who were against the motion, and, in particular, that the opinion of the noble earl of Chatham would not be asked. The viscount declared he understood the noble lord very differently, and that he was sure no particular application of his words was meant when he uttered them. In answer to what the noble duke had declared respecting general Burgoyne's misfortune, and the articles of capitulation; with regard to the former, his lordship said he was heartily sorry he was forced to believe it, although a proper state of that affair had not reached government; with regard to the latter, he had, indeed, seen them in the newspaper, but would the noble duke think their lordships warranted in proceeding to adopt any measure of importance upon so slight a ground as newspaper authority? The viscount concluded with declaring that his voice and heart were both for peace, as soon as it could be made on terms which would neither insult the honour, nor injure the interests of the nation.

The Earl of *Shelburne* replied to lord Suffolk, and reprehended him in strong terms for his presumption in saying, that the King would never call to his counsels those who opposed the measures now carrying on against America, or those who differed from his present servants. He contended, this was not a language befitting the mouth of any minister, be his situation ever so high. The constitution reprobated the idea; it was saying, in so many words, that the most able and honest men were not to be employed and trusted with the executive power, though contrary to the sense and interests of the nation. This government was a popular government, and in many situations, left the option with the nation at large. He could not, therefore, conceive how the noble earl could pretend to controul public opinion, so far as to predict what persons were or were not proper to or would be employed. Such language was indecent, unparliamentary, unjustifiable, and unconstitutional. The public were deeply interested in the choice of ministers; their dearest interests were committed to their charge. They ought to know whom they employ; they ought to be satisfied of their ability and integrity; and if they should be found wanting in both or either, I trust, said his lordship, they will exercise their inherent right, that of ministerial election. The public, in and out of parliament, are warranted in insisting, that weak or wicked men shall not be employed. The present administration come under that description; they are ignorant, inconsistent, sanguinary, and every way unfit for their stations; and shall these very men, full of blind confidence and temerity, not only ruin the nation, but answer for their sovereign, and impute sentiments to him totally unbecoming his station, and directly repugnant to the duty the constitution has prescribed to him?

His lordship then entered into a view of the absurd conduct of the war. General Howe is sent into the Jerseys, to look

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Mr. Washington in the face, and then turn his back upon him. Mr. Burgoyne is directed to march to New York, or to effect a junction with Mr. Howe. Mr. Howe goes aboard his ships, and after beating to the southward, gets on the other side of Philadelphia. In the mean time Mr. Burgoyne is surrounded by the provincials, and applies for succour to general Clinton. Mr. Clinton is in the very act of complying with the request, when he receives an order from Mr. Howe, for a reinforcement of 4,000 men, to defend himself in his redoubts, in the neighbourhood of Philadelphia. What is the effect of this? Burgoyne is surrounded, and taken prisoner, with his whole army. Clinton is weakened so much as probably to share the same fate, or at least the detachment from his army under the command of general Vaughan is. New York and Rhode-Island of course become in the most imminent danger; and the provincials, on every side victorious, flock to the standard of Mr. Washington, who, by the aid of this additional force, either takes Mr. Howe and his army prisoners, or compels them to go aboard their vessels, and take shelter in New York or Great Britain. This, my lords, is the general state of our military situation, according to the latest accounts; and such is it in my opinion, that if I do not hear full and sufficient reasons for this extraordinary conduct, that I protest I think Mr. Howe would deserve to be brought home in chains. His lordship proved in the strongest terms, the bad conduct of the war; the fatal consequences of which had even already been of such a nature, that the nation ought to have justice by a public trial and execution of the party really blameable; adding, that if the minister could make it appear, that general Howe and general Clinton disobeyed orders, they ought instantly both be put in irons, and sent home to be tried for their lives; if, on the other hand, it turned out to be the fault of the minister, that minister should be forthwith seized, tried and executed; indeed, nothing ought to be held a palliation of his guilt, or soften the severity of his punishment, but a frank and full declaration who it was advised him to take a part, or recommended him to the service of his sovereign at such a critical juncture.

He wished not more than any of his colleagues in opposition, to obtrude himself into office. The man who would enter unsolicited into the service of a person, deserved to have his offers treated with contempt. There was one very material reason why parliament should not be adjourned. It was this; parliament, by attending to the measures, could easily discover the incapacity of the ministers. The surrender of general Burgoyne, and the consequent disgrace of the British arms, was a fact which it was not in the power of sophistry to explain away. Almost 6,000 men had been reduced to the necessity of laying down their arms. The whole of the British northern army had thus surrendered prisoners, and some generals of the provincial militia had escorted them to Boston. Some very respectable characters, who came over in the Warwick, had proved the truth of this catastrophe. A letter had been received from general Fraser which contained this expression; "I am not on a bed of roses, yet I care not for my own person." Some of the most respectable officers had foreseen the calamity which would happen to general Burgoyne; they had remonstrated to him; but, regardless of their remonstrances, he had rushed on, and had met with his fate. How was this obstinate pursuit of a very desperate project to be accounted for? On this principle: the orders to Mr. Burgoyne were positive; he was to push through at any rate. The orders to general Howe, and those to Mr. Clinton, were not positive, but discretionary. The consequences had been such as might be expected. General Vaughan had undertaken an expedition in which it was very probable that he would share the same fate with Mr. Burgoyne. Should a worse befal him, he was not to be pitied. The man who had most inhumanly reduced the town of Æsopus to ashes, because it was, in his estimation, inhabited by a nest of villains, should be smitten for his cruelty by the scourge of justice.

As to the state of the garrisons in America, general Carleton had only three regiments at Quebec. The last advices from Ticonderoga mention the deplorable sickness which prevailed amongst the troops. What had been the situation of the affairs? Had the smallest degree of unanimity prevailed amongst the officers? Very far from it. Mr. Clinton had been jealous of general Burgoyne; general Howe had not placed much confidence in Mr. Clinton; and general Carleton had shewn the utmost indifference for all those gentlemen. Xenophon ascribes the success of his retreat with the ten-thousand,

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to the unanimity which prevailed throughout the army, and to the profound deference which the officers and soldiers paid to each other. The opposite to this had been the case in America.

As to terms of conciliation, in treating with the colonies for peace, the object of independence, like the preamble to a statute, should not be mentioned until the body of conditions were adjusted. One good might result from the evil of defeat; had America not been so successful, she would have been entirely thrown into the arms of France; she would have been the property of our enemies, rather than she would have submitted to our tyranny. The faint glimmering of hope still remained. Were we wise, the feeble ray should conduct us, as the star directed the magi of the East, to the dwellings of peace. Should war be still our object, it would be infinitely more conducive even to the pursuit of that measure, for general Howe to treat general Washington, as he did in the Jerseys, to look at him, and return to winter quarters in New-York. To suppose that America would ever negociate with those in whose sincerity she could not confide, was to imagine a very vain thing. The negociating talents of the present ministers had been already tried. The first proposition of the noble lord (North) in the other House, had only subjected him to the pity of his friends, and to the ridicule of his enemies. The project for the $8\frac{1}{2}$ per cent. revenue from Nova Scotia, had been laughed at by every custom house officer in the British dominions. The powers with which the famous commissioners had been entrusted, extending no further than to grant pardons, and receive submissions, had been scouted by the Americans. Such proofs had the ministers given of the super-excellency of their negociating talents. Had their conduct of the war been marked with the trait of wisdom? Let the expedition of Mr. Burgoyne answer that question. It had been projected by the rashness of folly, and it had been attempted to be executed in the madness of despair. The overthrow of Mr. Burgoyne was a national misfortune of so great a magnitude, that it was very astonishing the indignation of the people had not been rouzed. A disaster of not half so much consequence had thrown Spain into confusion. When general O'Reilly failed in the expedition against the Algerines, he was recalled with indignity; nor could the populace of Madrid be restrained from violence on the occasion. The people of this country were not of such complexional warmth as those of Spain; the loss of an army of 6,000 men was a trifling calamity which hardly occasioned a rumour in our streets. The good sense of the public had been boasted by the ministers, as affording support to their measures. How many delusive arts had been practised to impose on the good sense of the nation? yet the day of enquiry would come. These convenient adjournments of parliament were so many presages that it was near at hand. Ministers could not meet the force of their opponents' objections; talk to them about the truth, and, like Pilate, they waved the question, and adjourned the court. This was treating parliament as a mere engine of state; as necessary only for the registry of edicts. When England submitted to this, her liberty would be lost. The liberty of a free people existed no longer, than whilst the poorest man in the community could demand redress of the first minister in the country; and this as a matter of right.

The House divided: Contents 47; Not Contents 17. Their lordships then adjourned to the 20th of January 1778.

1778.

Debate in the Commons on raising Troops by Subscription without Consent of Parliament.] January 22, 1778. Sir *Philip Jennings Clerke.* Sir, I rise to fulfil a promise I made to several of my neighbours, before I left the country, which was, to enquire into the state and circumstances of several new levies of troops, which have been lately ordered to be raised. The people of the country have been told, Sir, that the American war is the war of parliament; they are therefore exceedingly alarmed to hear that a large body of men has been raised during the recess of parliament, without their knowledge or advice, not the least intimation having been given by the minister of such an intention before the adjournment; on the contrary, the noble lord told the House he had a conciliatory proposition to make at their next meeting, which he thought would end to the advantage of this country. The noble lord, instead of a peace, has produced an army, an army raised under the auspices of persons who have never been noted for their loyalty

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to their sovereign, or their attachment to the constitution. To know into what hands the sword is placed is the grand object of this enquiry. However necessary it may be to raise troops to continue this destructive war, it is incumbent on us to take care that the sword is placed in safe hands; that it is not turned against ourselves; and that these powers which are now employed to destroy the freedom of America, in the end may not endanger our own. The motion I am now going to make is, "That an humble Address be presented to his Majesty, that he will be graciously pleased to give directions, that there be laid before this House an Account of the number of Troops ordered to be raised during the late adjournment of parliament; specifying the different corps, and the names of the officers appointed to command them, and also the names of all the officers appointed to serve in each rank in the different corps, and the time each officer has served in any other corps in the army, previous to such appointment; and the rank he held."

Lord *Barrington* had no objection to the motion, but thought that the number of troops raised was improper information, and therefore moved to leave out those words, and to say, "an account specifying the different corps which have been ordered to be raised during the late adjournment, &c."—The motion was agreed to.

Lord *North* observed, he was happy in having it in his power to inform the House, that the purposes for which the adjournment was originally proposed had not only been answered, by the active exertion of the various officers employed in the several departments of his Majesty's service, but that the voluntary unsolicited efforts of several loyal subjects, had also contributed to this effect. A subscription had lately been set on foot in several parts of the kingdom, that not only intimated the most valid indications of truly patriotic zeal, but also gave a most flattering appearance of the public acquiescence in the conduct of administration. It was no little comfort to persons interested in public employments to observe, that the opinion universally entertained of their management was not influenced by contingencies that human sagacity could not impede, and it was a pleasure peculiarly grateful to an honest Englishman, that amidst such emergencies, the fortitude of the people should shine particularly conspicuous.

Mr. *T. Townshend* asserted the extreme impropriety in the conduct of administration, in making so long a recess, at a time they intended to adopt so important a measure as that of levying and raising, within the kingdom, so considerable a military force as 15,000 men, without the previous consent of parliament. He said, if one regiment, raised in so unconstitutional a manner, could be justified, twenty, fifty, or any given number, might in the same manner. What fence or protection were the constitution and the laws against arbitrary power, if all its friends had to do, in order to establish such a mode of government, was to promote subscriptions for raising troops, and when they were raised and embodied, employing them in support of their favourite doctrines? Respecting the purposes, to effect which those troops were to be employed, and the necessity arising from the present state of our colonies, parliament had no right at all to interfere, or they must have been the best and only judges of both the purposes and the necessity. Why, then, adjourn parliament without consulting them? He would grant in argument every thing those most sanguine for the measure might wish to urge in its favour; but still, though the essence of the constitution was lost, it behoved ministers to at least preserve the forms of it; and not, by adjourning parliament to a long day, on purpose to exercise its only great constitutional power, that of granting money, incur the actual expenditure, and bind parliamentary faith first, and then call upon that House, as a matter of course, to provide for that expenditure.

Lord *North* rested his defence, first, on the ground of necessity; secondly, on the impracticability of imparting what was not, nor could not be known, to ministers at the time of the adjournment; and thirdly, on their conduct being perfectly constitutional. The necessity, he said, would not be disputed; the very arguments daily urged by gentlemen on the other side, proved it beyond a possibility of doubt. The operations of the next campaign, in America, would call for the most vigorous exertions, if our colonies should obstinately persist in refusing to agree to reasonable terms of accommodation. It was not in the power of administration, before the recess, to bring the matter as a measure before parliament, because, in fact, except in a very few instances, they were totally ignorant of what afterwards happened.

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Offers had been made; but in what instances; other than those already made; or how far they might be received or rejected, could not, at the time parliament adjourned, be possibly in the contemplation of ministers. As to the last point, on which the right hon. gentleman had delivered his sentiments with so much vehemence and acrimony, relative to the contempt thrown upon parliament, and the breach of the constitution, he begged leave to draw a very different conclusion. The American war was a constitutional war; it was a popular war; and the offers made to the crown, and accepted of, were perfectly constitutional. The right of the supreme legislature was denied; arms had been taken up by our rebellious subjects in America, in maintenance of this denial; a very loyal part of his Majesty's subjects had expressed their abhorrence of such an unnatural rebellion; and had, in proof of those sentiments, offered their persons and their purses in support of the constitutional rights of this country.

Mr. *Burke* took notice of the zeal of the noble lord, and the warmth of his bosom for the public weal. He supposed it to be that zeal, warmth, and ardour, that had induced him to assist, if not to devise, the raising of men without the knowledge of parliament, and by that means acting unconstitutionally for the good of his country. He remembered that the noble lord voted for an adjournment of parliament for six weeks, for two several reasons; the one, to give him an opportunity of digesting an equitable plan of conciliation, founded on concession; and the other, to guard him from being shot through and through with the long arrows of militant opposition. It had turned out, he said, however, that another more substantial reason existed for the adjournment of parliament—not of contriving propositions of peace, but of securing force towards war, in an illegal, unconstitutional, and extravagant way.

He observed on the present crisis of Great Britain, that it was lamentable in the extreme. He said, he had the same day examined the state of our funds, and found that the 3 per cents consolidated stood at 71¼; and he begged leave to contrast that with the state of the same fund in January, 1760, the fifth year of a war with the united House of Bourbon, when they were 79. In the latter instance they were 79, when we had funded 23 million; and in the first they are 71, when we have funded 5 million, He continued to observe on the present mode of raising supplies, that he would consider its propriety in two separate points of view; first, whether it was in respect of expence the most œconomical; and secondly, whether it was in respect of strength the most effectual. He considered the first expence of raising a regiment to be about 5,000*l.* So much we receive, supposing that the supplies flow from the voluntary gift of the subscribers. They are embodied in separate corps, habited, maintained for the war, discharged, and placed upon the half-pay list, all which, calculating the amount of half-pay at ten years purchase, would cost us 30,000*l.* so that we in reality receive 60,000*l.* as there are 16 regiments offered, to pay 480,000*l.* That this is œconomy worthy the people who contrived it he was well convinced; the offer received was a seeming advantage, but an actual loss; for where there was ever occasion for multiplying the supplies granted by parliament, it was most œconomical to raise them in separate corps, while the battalions already raised want more than one half of their war establishments, as it brings a double charge of officers both on full and half-pay, which charge constitutes the expence, amounting, as he said before, to 30,000*l.* for each 5,000*l.*

So far as to the œconomy. As to the efficacy, he would only observe, that in our former wars, it was held prudent and expedient to advance the battalions from their peace to their war establishment, which was nearly double, mingling thereby the new with the veteran troops, and adding to the strength of the one the experience of the other. This, he said, was the practice of former times; it was so done last war, and, as we were crowned with conquest, he would not believe that it was wrong, nor would he adopt any other mode in preference to it. He observed, ironically, that of all the expedients used by a skilful ministry towards redeeming public credit, none was ever more truly deserving of attention, or more worthy of applause, than the present. A charitable subscription was begun for the relief of the distressed American prisoners, and the ministry nobly caught at the contrivance, envied the small contributions made to relieve the distress themselves had occasioned, and opened the strings and the mouth of a subscription-bag for the treasury. Convinced as they were, that the country would no longer be induced by

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interest, to hazard their money in subscribing towards loans, secured by government, they applied to their benevolence, and, like a beggar asking a boon, received charitable donations from the pity-disposed people of this country. He said the noble lord in the blue ribbon reminded him of Pericles, who exhausted with misfortune, wasted with disease, and lingering with pain, walked abroad, bedecked with amulets, charms, and faws of old women. The loan now unfilled and unpaid, was his disease; and the charitable contributions of his friends were his amulets and charms. He was ready to grant, that voluntary donations might be fairly interpreted, as proofs of a people's affection, but they were no less so of their real poverty. Private and public life exhibited pregnant proofs, that solicitations on one hand, or benevolences on the other, were the common effects of pride, poverty and pity. Persons might be mean from choice, naked from madness; but rags discovered an involuntary madness, or a poverty willing to be concealed. It was true, that France, during the late war, in the midst of her national distresses, was assisted by the people, who delivered their plate for the public service. This was a glorious instance of national patriotism, but it was likewise a proof of national poverty. The mention of the last war must recal to the minds of every person present, the most disagreeable and humiliating ideas, and fill the House, as well as nation, with regret. He then contrasted the state of this country at present, and at the period alluded to, in the most striking point of view; and said, what added a particular aggravation to the nature of our misfortunes was, that every wicked, weak, or blundering measure was sanctioned under the name of the constitution; every thing that was transacted in parliament, cabinet, or elsewhere, was sheltered under that venerable name. The use this word was lately employed in, brought to his recollection, Dean Swift's application of Whitshed, a prostitute Irish crown lawyer's motto on his coach, "*libertas et natale solum*," which would be applied by every man according to his own ideas, or as his interests led him. Just so with the noble lord; the idea annexed to the word 'constitution' by him was very different to its true import in a limited monarchy. He might mention it as often as he pleased, and ring the changes upon constitution, constitutional, &c. but he might as well vainly expect that his garter would preserve him from the gout, or his ribbon expel a fever, as to imagine, that to prostitute the word constitution, would prevent an investigation into his conduct at some future period.

Mr. *Dunning*, whatever the noble lord might think, by no means approved of the Highlands of Scotland and the towns of Manchester and Liverpool taking the lead. When the nation, about two years since, were as busy in manufacturing addresses, as they are now in promoting subscriptions, he considered it as ominous that Manchester was the first addresser; and he looked upon it equally ominous now, that she was the first subscriber. He censured the conduct of the committee at the London Tavern, very severely, for the advertisements put forth by them, as both illegal and unconstitutional. He was certain that many displayed their names in the list, who were actuated by no such motive. It could not in its nature be voluntary. Men who lay under obligations to government, were compelled to this ostentation of gratitude, and their adherents, in their turn, made a virtue of necessity: so that nothing could be fairly inferred from it concerning the inclinations of the people, or their acquiescence with government. He was not disposed to the invidious task of discriminating in a public catalogue, between the deserving and the undeserving; but he could perceive, from the list of subscribers, that though the sagacity of some might be confided in, their establishing themselves into a committee, and being thereby in an important national concern, a substitute for parliament, was an act that they were not qualified to exert. He therefore was led to propose an amendment in the terms of this subscription, and that for the future, when such proposals should be made, they should be required to say, "for such uses as the parliament should think fit," and not as a committee should please to direct.

Colonel *Barré* proposed an amendment to the motion, and required that the uses for which the different corps had been raised, should be particularly specified. It was very necessary that parliament should know the peculiar purposes and destinations of all the different bodies of men that were levied under their sanction.

This Amendment being complied with, the motion was carried.

Mr. *Fox* observed, that it were happy for the ministry if the House could forget

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the last war, and the bright lustre the British arms had acquired by it: that it were well for their reputation, if the world could lose the recollection of the glorious successes that crowned the enterprises of Great Britain during that period; to the end that the contrast of the present disgraces might not strike the nation so strongly, and render the contrivers of the measures which occasioned them, the execration of the people. The views of the ministry in holding out in such pompous colours the proffered aid of several individuals, were specious and imposing; they wished to impress the people at large with the idea, that their measures were perfectly constitutional, or they would not have met with such general support from the nation. For his part, he could not be deceived in that particular, as he knew the offers of support came from men of such a description, as would be no credit to administration. Scotland and Manchester very readily concurred to strengthen the hands of ministers, who were pursuing measures so conformable to their own sentiments, and to maintain a government so exactly similar to that of their darling king, James 2, a government which was pursuing the steps that lost that prince his crown. [Here some gentlemen called him to order, as they conceived that he was drawing a parallel between the present King's reign and that of king James; Mr. Fox, however, qualified what he had said, and went on.] He added, that Scotland and Manchester were so accustomed to disgrace, that it was no wonder if they pocketed instances of dishonour, and sat down contented with infamy; but as he knew Britain in general possessed other sentiments, and would not continue in the delusion which had brought disgrace upon her arms, annihilated one army, and dishonoured another, but would investigate the cause of our misfortunes to the fountain-head, from whence the calamities of the war and of this campaign in particular had originated. By this means they might be able to discover the men who had done all this, and who had brought disgrace upon their country as far as lay in their power; although at the same time he owned no ministers had it much in their power to degrade this country, since a change of men wiped off the disgrace. To this end, he said, he renewed a motion which he had made before the recess. He said, it was impossible, that 10,000 men could be lost, no unforeseen or extraordinary accident happening; if there was not a fault some where, in the plan, the execution, or both. That this fault could be found out only, by an enquiry into the instructions given to general Burgoyne; that therefore as he hoped the gentlemen in administration had given no advice or instructions, which could not bear the test of parliamentary enquiry, as he flattered himself, that the motion he was about to make would not meet their opposition. It were needless to have a parliament, if it could not call for information, and punish delinquents. He then moved, "That an humble Address be presented to his Majesty, that he will be graciously pleased to give directions, that there be laid before this House, copies of all instructions and other papers, relative to the expedition from Canada, under lieut. general Burgoyne; and also copies of such parts of the instructions given to general sir William Howe, as relate to any intended co-operation with lieut. general Burgoyne."

Col. *Luttrell* attacked Mr. Fox for the general national censure he had thrown out against Scotland, and accused him of having declared in his own presence, that he would speak treason, when and where he pleased. But this accusation relative to a private conversation drew a general murmur of disapprobation from the House.

Lord *North* said, that if the hon. gentleman had not spoke treason, he had gone very near it. King James had been dethroned for endeavouring to subvert the laws, overturn the constitution, and reign without a parliament. The present King, on the contrary, was contending to establish the power of parliament, and enforce the laws of the country. It was the duty of parliament to enquire into the conduct of ministers; to turn out such as had acted wrong; and to keep out such as would wish to act wrong. When the names of the subscribers should be made public, it would then appear that there were men who had been always sincerely attached to the Brunswick family; and that though it had been otherwise, it would be ungenerous and impolitic to impute the faults of the parent to the children. As well might himself and the hon. member be called Tories, as the ancestors of both had been of that description of men. As to the proposed enquiry, he had not the least objection to it; he only found fault with the time of moving for it in the absence of

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lord G. Germain. He would therefore recommend it to the hon. member to suspend his motion till Tuesday next.

Mr. *Fox* rose to explain the imputation of meaning something treasonable by his allusion to the government of king James. This he would maintain, that whosoever attempted to act contrary to the constitution, could be no friend to it; that an attempt to tax three million of people, without their own consent, was unconstitutional; and that as king James had been deposed for exercising power not his own, so this country had been deposed from its natural dominion over America for usurping a power denied by the constitution. As for the motion, he would not have it thought that he wanted to take any advantage of the noble lord's absence, and was willing to withdraw his motion for that evening, and make it on Tuesday.

Debate in the Lords on the Earl of Abingdon's Motion respecting the Legality of raising Troops by private Aids without Consent of Parliament.] Jan. 23. The Earl of *Abingdon* said: Having a motion of very great importance to make, I think it necessary to apprize your lordships of it. I am greatly alarmed at the spirit that is gone abroad, and at the countenance given to that spirit, of raising, out of the medium of parliament, armies in Great Britain, by personal interest and private subscriptions. It is therefore my intention, in the course of a few days, to move, that a day be appointed for summoning the Judges to attend this House, in order that their Opinions may be taken upon this matter. At present, I conceive it to be not only repugnant to the principles of the constitution, but expressly against the letter of the law. Perhaps I am mistaken; if I am, and this mode of arming the nation be right, I too will exert my interest for the purpose of raising a regiment; not, my lords, to go to America, to be hazarded, perhaps devoted, but to remain in England to assist in protecting our liberties. If I am not mistaken, I shall trust that these violent measures will be immediately suppressed. He then moved that their lordships be summoned on the 27th instant; which was agreed to.

Jan. 27. The Earl of *Abingdon*. Being now assembled, in consequence of the notice I gave your lordships of my intention to make a motion to this House, I think, that the high importance of the motion itself, will render any support my abilities can give it useless and unnecessary. It is sufficient for me, that I feel myself actuated by an honest zeal (for honest I will call it) for the salvation of my country, in these times of the most dangerous experiments; it is to your lordships' better understandings, that I must submit. On this ground then, my lords, and because I hold it to be the privilege of every noble lord to call for the advice of the judges in point of law, I shall presume to move, "That a day be fixed for summoning the Judges to attend this House, in order to take their opinions upon the present mode of raising Troops, without the authority of parliament."

The *Lord Chancellor* objected on several grounds, to the informality of the motion. He said, no instance was recorded in parliament of any such motion being received. That the judges had no voice in that House, nor were ever present in debate; nor at any other time, in the manner now attempted, unless specially called upon. That when they were called upon, it was to decide upon matters of mere law, and upon questions previously framed; which questions were supposed to arise from facts already proved to the satisfaction of the House. Was that the case now? Was there any fact whatever stated to the House, on which a question of law could arise? Not one, nor one even suggested. On this ground of informality, he contended that the motion was highly improper; nor could it be entertained for an instant conformably to the established usage of parliament. His lordship then said the annual Act passed every session, called the Mutiny Act, became necessary; because in time of peace, no standing army could be kept up within the kingdom, without the consent of parliament. The last Act empowered his Majesty to raise 20,000 men. In that view of the question, if it should come out in proof, which was a fact within his own knowledge, that including the levies made during the recess, the whole of the troops within the kingdom did not amount to 20,000 men; then the measure, to which the motion was directed, was perfectly justifiable; for the Mutiny Act had been literally and rigidly complied with. Besides, though the matter had not been just as he stated it, the House could not properly take cognizance of the affair. He understood, a noble lord in the other House who presided over the war department, had already delivered in estimates of troops proposed to be raised;

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therefore, though the number should exceed 20,000 men, the embodying and regimenting of them would not take place till the measure had received a parliamentary sanction. If recruiting parties had been out, or men had been proposed to be raised, it was usual every day; preparations in the recruiting service were necessary, because it was not the very instant men were wanted for actual service that they were recruited. He concluded with saying, that the Bill of Rights declared, that to keep a standing army within the kingdom, in time of peace, was contrary to law; but the present not being a time of peace, that provision did not apply. He wished the noble earl would withdraw his motion.

Lord *Camden* said, the motion well deserved their lordships' most serious attention, as it was, in point of constitutional effect, of a most serious and important nature. He begged leave to lay in his claim thus early, to be understood that the question did not lie within the very narrow limits which had been assigned to it by the noble lord on the woolsack. It seemed to him most materially to affect the privileges of parliament. He had not yet digested his thoughts on the subject, but from its naked appearance and the arguments which came in support of it from the woolsack, the consequence of those arguments would lead, in his opinion, to the utter subversion of the constitution. On that ground, he could venture, in the first instance, to pledge himself, that he would prove that no such power, under any pretence, could be exercised, without the previous consent of parliament. But if there could, it would be the most irrefragable argument with their lordships, he presumed, to do every thing which depended upon them, to apply a speedy and effectual remedy. He further contended, that the question was of the first magnitude, and called for the most ample and solemn discussion. The measure of raising troops, without the consent, and during the sitting of parliament, was not only illegal, and unconstitutional, but a high violation of the fundamental privileges of parliament. To judge of the necessities of the state, in point of measures offensive or defensive, and to make provisions accordingly, was of the very essence of parliament; to take any measure therefore, while the parliament was in being, and of course in an active, and not passive state, without previous information, consultation, and advice, was an act little short of superseding its authority, and stripping it of its rights.

The Earl of *Effingham* disapproved of withdrawing the motion; said he would be better pleased to meet the negative directly, than have the question, after full notice given, postponed. If administration meant to oppose it, they, it might be presumed, would not change their intentions, in the space of a few days. His lordship being reminded, that the motion was already withdrawn, insisted nevertheless, as a peer of parliament, on his right to give his sentiments upon every question introduced into that House.

The Duke of *Richmond* declared, that the judges were the attendants of the House, and entered into an investigation of the different import of the word 'attendance,' distinguished from the word 'assistance,' as used in the Journals of the House; deducing from thence, an argument, that the judges, to whom the word 'attendance' was always applied, in strict compliance with their duty, should give daily attendance; but on account of their other important avocations, that attendance was excused, and they were never expected to be present, unless specially summoned. His grace contended, that a motion for the attendance of the judges, by any noble lord in his place, was a motion granted as a matter of course comprized within the standing order of the House; and that it was contrary to parliamentary customs to refuse it. With regard to the present motion, it was highly necessary that the judges' opinions should be had. Government was flattered, assisted, and supported by Jacobites, Tories, and Highlanders, who were now raising large levies of men, for the support of measures, which had proved to be exceedingly injurious to the interest and honour of Great Britain: that this was a new and a very alarming case; that therefore it was well worth the enquiry of their lordships, and if found to be illegal, deserved their most pointed and severe censure.

The Earl of *Suffolk* argued, that from what he knew of the present state of the army, and the necessity for having as many men as could possibly be collected, for the public service, the summoning the judges, for the purposes declared in the motion, would not appear expedient at this moment; and that he, for one, should put his negative upon it.

The Earl of *Shelburne* said, the national

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concerns were indeed in a very precious predicament, if, when modes of raising troops, altogether new, and apparently unconstitutional, were publicly practised, upon a lord of that House stating his doubts as to the legality of the manner of raising levies, their lordships were to be told by one of the King's servants of the inexpediency of attempting to solve those doubts, and on that ground only the attempt was to be frustrated; an attempt which went to an ascertainment, whether the constitution was or was not to be endangered. The earl declared, that he had arrived in town only the preceding evening, and had not found time sufficiently to investigate the subject; but that the noble earl had done him the honour to communicate his opinion to him, and that he clearly saw the noble earl meant to consider a grand constitutional point; that therefore he had attended: that he conceived the summoning the judges to be a motion of course, and although he was not willing to do the public so much disservice, as wantonly to sport with their property, by calling for the judges without occasion, he could not conceive that their attendance for one day would be a matter of great inconvenience, especially as he observed that the Chief Justice (before whom as much business came as before any one judge) found time to attend the business of the House pretty constantly, and scarcely ever failed when any question was to be put in the fate of which government was concerned. Not (said his lordship) that I think the Judges' opinion of such mighty consequence; few questions come before this House of which your lordships are not as competent to decide as the judges. In grand national points I shall never be directed by the opinion of lawyers, nor will I go to Westminster-Hall to enquire whether or not the constitution is in danger. I speak therefore now merely upon the rights and privileges of parliament.

Earl *Gower* objected to the withdrawing of the motion with a liberty to repeat it in the same words; therefore the noble earl had the option of now abiding by the question, as first put, or omitting that part of it relative to summoning the judges.

The Duke of *Richmond* said, that if the matter propounded to the judges, when they did attend, was improper, the House might put a negative upon it; but in the first instance he had always understood that such a motion was never refused.

The Earl of *Marchmont* said, the judges were never called upon by their lordships, but in two cases: one was in matters of right, pleaded at the bar; the other was relative to the legal construction of an act of parliament.

The Earl of *Suffolk* said, that the duties of the judges required their attendance in another place, and that if their presence was required here, it might be productive of the worst consequences.

The Duke of *Richmond* insisted, that during the sitting of parliament their proper place was on the woolsack; that they formed in some measure a part of the House; and that according to its rules and orders they were always supposed to be present. He said he would not admit of negative proofs, and called on the noble earl who spoke last but one, to produce a single precedent in which the request now made had been refused.

Earl *Gower* acknowledged, that two judges during the sitting of parliament were supposed to attend; but he understood, and never heard it disputed, that it lay in the breast of the House, and not in that of a single member, to enforce their attendance. The reason of the thing pointed out its propriety, because it was plain, what one noble lord might do another might; the consequence of which might be, that being called upon day after day, the public justice of the nation would stand still, and every thing would be thrown into confusion.

The Earl of *Marchmont* mentioned what he called a case in point. He informed their lordships that he was present in the House at the time a motion was made in 1737, relative to the great riot in Edinburgh, about captain Porteus, who was executed by the mob, in which a noble duke moved for the attendance of the Scotch Judges, relative to a point of law. The question was carried, but the Judges refused to attend, and the affair dropped. From this instance his lordship concluded, that though the Judges were ordered to attend, they might refuse to comply.

The Duke of *Richmond* again insisted, that the Judges formed a part of the House; and as a proof that they did, he had enquired of the clerk, who informed him, that there were writs always issued previous to every new parliament, requiring their attendance; though they were not returned, like the peers' writs, into that House. As to the point of inconveniency, it was little; because, during the

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terms, it was no great hardship upon the Judges to slip up from Westminster-hall, when the business of the courts of law were over. He had observed, that a noble lord (Mansfield) a peer of that House, and likewise one of the Judges, frequently attended in his place. When his absence could be dispensed with upon general as well as particular occasions, he presumed upon so vast and important a question as the present, neither the justice, nor legal business of the nation, would stand still. Since he was up, he begged leave to know from the noble lord, if the fact was as he had stated it, relative to the writs being issued out of that House, requiring the personal attendance of the Judges?

The Earl of *Mansfield* said, the fact was so; but as he had been a peer before he was a judge, he had never received any such writ.

It was at length agreed, to defer the further discussion of the question, till the 4th of February. The motion was accordingly withdrawn.

Feb. 4. The Earl of *Abingdon*. When I made my last motion to your lordships for a call of the Judges, in order to take their opinions upon the legality of raising regiments for his Majesty's service without the sanction of parliament, I had two reasons for doing so. My first was, my own conscious want of legal knowledge to decide upon so important a case. My second, that the twelve Judges, like the twelve Apostles, being upright men, (and yet, my lords, even among these Apostles, there was one Judas Iscariot, who, as that reverend bench will tell us, betrayed his master; and with a kiss too, my lords. God forbid that, under such semblance of attachment, there be any Judas Iscariot among our Judges!) I say, my lords, that the Judges having not now on the fetters of corruption, (for, my lords, corruption has taken a higher course, and it is our legislators, and not our judges, that are corrupt) I was in hopes to have found in them, or at least in a majority of them, an honest and unbiassed opinion. These, my lords, were the motives of my motion: but there was still other ground I had to rest it upon. I had conceived that the Judges, being the constitutional attendants of this House, to advise with them in points of law, was the very reason of their being so; and that it was of right in every peer, for the more safe and better direction of his vote and conduct, to call for their attendance to this end: but, my lords, instead of this, I find that none have a right to information that are not in the majority. If the majority think fit, the Judges may give their opinion; if they do not, the minority must remain in ignorance.

It has been objected, that no single lord has a right to call for attendance of the Judges. In the first place, I deny the fact, that any single lord did call for their attendance. It was the voice of many, and of those who ought to have the greatest weight with this House; but if it had not been so, and I were alone in this motion, I would maintain the privilege in my own person. Let the Journals of the House shew an order to the contrary. Another objection was on account of the inexpediency of putting such a question to the Judges. Good God! Can it ever be inexpedient to know right from wrong? Can it be inexpedient to determine legality from illegality? Is it not our duty to do this? I only ask to have the laws of the land expounded to me. I required nothing illegal; all I desired was information; intending, that if this mode of raising men was legal, to propose an association of the independent Whigs of this country, for the purpose of embodying troops to defend the King and preserve the constitution. If it be illegal, how durst ministers countenance and encourage illegality? A third objection was, that I had not proved the fact that regiments were raising without the sanction of parliament. My lords, this quibble might well become a pleader at the Old Bailey, but it was unbecoming in him from whom it came, and of the dignity of this House. Your lordships would hardly force one of yourselves to bring witnesses to the bar to prove a fact of so much notoriety. But, my lords, I will trouble your lordships no more upon this head. Perceiving that the present ministers are ready to vote away that privilege which a better ministry would wish to preserve, I shall withdraw my motion for the attendance of the Judges, and will take the sense of this House upon those points which were intended to be propounded to them.

My lords, it cannot be expected of me, that I enter minutely into the discussion of the great and important question that I am now about to submit to your lordships' consideration. As this would have been the business of the judges, had they at-

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tended, so must I now leave it to the wiser and the better informed of this House; but, my lords, as your lordships may expect my sense of this matter, it is my duty not to withhold it from you. My lords, I will read to your lordships an Advertisement from a public paper, which I have in my hand. [Here the advertisement from the London Tavern was read.*] My lords, if this be not unconstitutional, I know not what is. In my poor opinion, it is not only the most notorious violation of the rights of parliament that has happened since the levying of Ship-money, but when I compare the cases together, and consider what has been done since, in the establishment of our constitution, I can see no difference between them. They both, to me, appear equally unconstitutional. Charles the 1st exacted money from his subjects, without the authority of parliament. Here, my lords, is a set of contractors, under the immediate influence of the crown, and would-be-contractors, with such like vermin of the state, entering into a very large subscription of money (pending the sitting of parliament, and without its authority) for raising men to serve his Majesty, in what manner he shall see fit. I am aware, I shall be told, that the one is a voluntary act, and that the other was the effect of compulsion; but this makes no alteration in the case. It was the thing obtained, and not the mode of obtaining it, that constituted the illegality. It was the money that Charles wanted, that he might have nothing to say to his parliament; and whether he obtained it by exaction, or by gift, the danger and the illegality were the same. It is true, the Petition of Right says, "that no man shall be compelled to make or yield any gift, loan, benevolence, tax, or such like charge, without common consent by act of parliament;" but, my lords, it is not by the letter of the law that parliament is to be directed, but by its meaning, and the spirit of the constitution. And, my lords, what is the meaning of the law herein, and the spirit of the constitution? It is, my lords, and no lord of parliament will venture to deny it, that the king shall receive no supplies but through the medium of parliament; for this is to make the king independent of parliament, and to make parliament an useless burthen upon the nation. Money is power; money produces armies, and against armies the liberties of this country cannot contend. And yet, my lords, here is money subscribing, in vast sums, for raising armies, to the use of the crown, without grant of parliament.

My lords, I will repeat and aver, that there is no difference between this case, and the case of Ship-money; for the crown is dependent on parliament for every national supply. Let us now see what the Bill of Rights says. It declares, "that the levying of money for, or to the use of the crown, by pretence of prerogative, without grant of parliament, for a longer time, or in any other manner than the same is or shall be granted, is illegal." My lords, to levy money is to raise money. I know no other meaning belonging to the term; and is not this, then, raising money to the use of the crown without grant of parliament? and for the worst purpose too—for the purpose of raising men in arms; not, my lords, (as has been suggested, to mislead this House) as recruits for the army voted by parliament, but as new regiments, for the wisdom of the crown to dispose of.

But now, my lords, I shall be told that this has been done before. I shall have precedents quoted upon me, and I shall hear that the same thing was done in the last rebellion. But, my lords, besides, that precedent cannot alter the constitution, upon what plea was it done? Upon the tyrant's plea; the plea of necessity. England was invaded by Scotch rebels, and the now loyal county of Lancaster was in rebellion too, against his present Majesty's grandfather. This was the necessity, and I hope it will never exist again; but even when this necessity urged the measure, what was said against it? I will tell your lordships from a speech of Mr. Humphry Sydenham, in the House of Commons, in 1746; he said, "I must observe that this way of raising money for the public service, by the subscription of private men, is such an incroachment upon the privileges of this House, and of such

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"London Tavern, Jan. 17, 1778.

* "At a meeting of several merchants and others, friends to their king and country, in order to support the constitutional authority of Great Britain, over her rebellious colonies in America. It was unanimously resolved and agreed, that a voluntary subscription be opened for the above purpose; and that the money arising therefrom, be applied under the direction of a committee of the subscribers, in raising men for his Majesty's service, in such manner as his Majesty in his wisdom shall think fit."

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dangerous consequences to the liberties of the nation, that, in my opinion, it highly deserves our censure." * This was the language, even in those days, when we had a rebellion raging in the very heart of the kingdom; and if it was then thought an incroachment upon the privileges of parliament, and of dangerous consequence to the liberties of the nation, what must it now be, when the rebellion, if it be a rebellion, is 3,000 miles distant from us?

There is one thing more I will bring to your lordships' notice. The only excuse, for I will not call it an argument, I have ever heard of the right of parliament to tax the colonies, and of course for this nefarious war, is, that if the colonies give free grant to the crown, as has been customary to do upon requisition, the crown might become independent on parliament for supplies. This was the cry of ministers, to hide their worse designs. This was the doctrine of our pulpits. It was the terrifying apprehension of parliament; and therefore, say parliament, the Americans shall not give and grant their own money to make the crown independent of parliament, but we will give and grant their money for them. Let us not, then, my lords, suffer that to be done under our very noses, which was the pretence of levying a savage war upon America. Shall thousands and tens of thousands of pounds be laid at the feet of the crown, without even the knowledge of parliament, and those who do it receive honours from the crown for so doing, whilst we remain unconcerned spectators thereof? My lords, let our example inform the other House of Parliament of its danger. I confess, my lords, I am alarmed at these proceedings, and I will tell your lordships why. When Tories, Jacobites and Scotchmen, are the first addressers for taking away the liberties of three millions of his Majesty's subjects in America, and are now the first to take up arms in this country, common sense tells me, that there is something more in this than mere loyalty to the House of Hanover. It is my loyalty, then, to the King, it is my duty to parliament, and my zeal for the liberties of the people, that is the cause of my alarm. These are the motives, which, from much loved retirement, has brought me forth into the busy scenes of life; and which nothing could reconcile to my disposition but a sense of my duty. My lords, I will now submit to your lordships, two Resolutions for the adoption of this House, without any other recommendation of them than their own importance: 1. "That the giving or granting of Money, as private Aids or Benevolences, without the sanction of parliament, for the purpose of raising Armies for his Majesty's service, is against the spirit of the constitution and the letter of the law. 2. "That the obtaining of Money by Subscription, and under the direction of a committee of the subscribers, to be applied in raising men for his Majesty's service, in such manner as his Majesty shall think fit, is not only unconstitutional and illegal, but a direct infringement of the rights, and an absolute breach of the privileges of parliament."

Earl *Gower* said, that such language as had been made use of by the noble earl, had never before been uttered in either House of Parliament.

Lord *Cardiff* opposed the motion, from the conviction of arguments deduced from experience. It was a practice that had been observed frequently in the last war, to supply deficiencies by voluntary contributions, and then he did not read that ever its legality had been questioned. As for the reflections that had been affixed to particular countries and places, he thought they were disingenuous, and impotent. He himself had connections with Scotland, but did not think himself therefore less an Englishman. He was not ashamed to acknowledge the affinity he bore to that country, for it reflected not even the most distant imputation on his loyalty: they had offended against their duty; but did that imply a perpetual perseverance in sedition? They had given the noblest testimonies of their attachment; they had wiped out the stigma of traitors with their blood, and proved their allegiance with their swords.

The Earl of *Effingham* said, that it had been suggested by the noble lord who spoke last, that there was authority drawn from past practice to sanction the present method of recruiting; but this did not appear to be the case. In the last war, in 1756, ten regiments had been raised without the interposition of parliament; but then there was at that time a standing Act, called an Act of Credit, by which their sanction was extended in such a predicament, to all the operations of the crown. He said, that so far from the concurrence of parliament being unnecessary on these occasions, that there was an act of parlia-

* See Vol. 13, p. 1352.

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ment, made in the 2nd session of the 2nd parliament of Charles the 2nd, whereby it was expressly declared, that their coincidence was necessary to the existence of such a measure. [The Act was then ordered to be read.] It appeared, that in the year after the Restoration, king Charles, from the nature of his preceding circumstances, having been in want of money, had recourse to his parliament, who granted him an Act for the raising it, with these limitations, that the time of subscribing should be restrained to a certain period: and that no commoner should in his bounty be permitted to exceed 200*l.* nor peer 400*l.* that these restrictions implied the power of imposing; and that the subscriptions, though in some measure voluntarily conferred, had their origin and authority primarily from parliament.

The Duke of *Richmond* said, such an Act, even in such times as Charles 2, made upon the moment of his restoration, when the purses and services of the nation were almost at his devotion, was a strong proof, that even the parliament of that day dreaded to strengthen the hands of the crown with benevolences and aids, without restricting them by the authority and limits of the great council of the nation.

The Earl of *Suffolk* said, the royal prerogative varied with the times. Being the executive part of the legislature, the royal authority was, in many instances, not subject to the slow deliberation of parliament. In the year 1745, during the rebellion in Scotland, when the three celebrated rebels, Kilmarnock, Cromartie and Balmerino, were tried, lord Hardwicke took an opportunity on that occasion to obviate a public clamour which had originated from the same kind of subscriptions that now prevail; and his opinion, as solemnly pronounced, his lordship had now transcribed, and begged leave to read to the House. "The merchants and trading part of this great metropolis, one of the most useful and respectable branches of the community, to their lasting honour, associated themselves, at the risk of their private fortunes, to support the public credit of their country. Men of property, of all ranks and orders, crowded in with liberal subscriptions, of their own motion, beyond the examples of former times and uncompelled by any law; and yet in the most legal and warrantable manner, notwithstanding what has been ignorantly and presumptuously suggested to the contrary."*—

Being convinced from these circumstances in the first place, that there could not be a nobler display of British spirit, than this unsolicited mode of assistance; and, in the second, from the great authority he had quoted, that it was entirely legal, he opposed the present motion as it then stood, and proposed an amendment, that immediately after the words, "Resolved, that it is the opinion of this House," should follow, "that voluntary subscriptions of money, to be applied towards completing the troops which his Majesty has ordered at this time to be levied for the public service, are contributions for legal purposes, made in a warrantable manner, and highly meritorious."

The Duke of *Richmond* said, he was exceedingly surprised at this turn which was given the main question, called an amendment. The noble lord who moved the original question had dealt fairly by the House, in explaining long before they met, the substance of what he had to propose; the question was now totally altered, and consequently many noble lords unprepared to speak to it; he hoped therefore the noble lord would withdraw his amendment.

Lord *Camden* contended on the same ground. As long as he had been in parliament, he had never known an instance of the whole question being carried off in that manner. Did the amendment go to soften, or explain any part of the original motion, it would be quite parliamentary; but to take it all away but a few formal words in the beginning, was such a step as he hoped, for the honour of parliament, would never be adopted in that House.

The Earl of *Mansfield* rose, and after expressing his sorrow that the arguments of the several lords who had spoken, had been founded in the spirit of altercation, declared, that the pain which he had felt on finding a debate conducted with ill-humour, induced him even at that moment, to rise and endeavour to conciliate the minds of their lordships, and bring them back to a proper consideration of the subject on which both the original question and the proposed amendment were founded. The fairest and best mode of effecting this, would be to adopt the most frank and candid line of conduct, and to revert to the original matter before the House. The noble lord who opened the business of the day, had read two propositions and moved one. Precedents there were doubtless, on the Journals, and those in

* See Howell's State Trials, Vol. 18, p. 501.

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great number, which sanctified the entirely overturning a motion, by moving an amendment, the form and purport of which were directly opposite to the intent of those words whose place in the motion the amendment was intended to supply; but however such parliamentary craft might be supported by usage, when a question was seriously proposed with an intention to investigate a point worthy the attention of their lordships, he could not but be of opinion, that it was more noble, wise and candid, to canvas the merits of the question fully, and get rid of it by a negative upon a division, than thus to prevent its being entered upon by moving an amendment, and rendering that the subject of debate. Having said this, his lordship declared, he wished the noble lord who moved the amendment would adopt his sentiments, and withdraw the amendment, which, if he thought proper, he might afterwards renew in the form of a motion; and urged their lordships to debate it, when the noble earl's propositions were disposed of, either by being carried affirmatively, or lost on a division.

The noble earl said, as he was upon his legs he would speak a word or two relative to the propositions made by the noble earl, and which he meant to have given his sentiments upon, had they stood the only subjects of debate. They were in their nature and form two-fold. The first stated a fact; the second grounded a resolution upon that fact. He had several objections to each, and some that went to both. With regard to the first, it was not regular in point of form; it stated a supposed fact, namely, that money was raised illegally and unconstitutionally. Where was the proof? How was the allegation made out? Upon what had the noble earl rested it? In the opening of his speech he had produced—what? A public newspaper, from which he had read an advertisement, intimating, that a meeting of merchants and others had been held at the London Tavern, when a subscription was entered into for the purpose of raising money to strengthen the hands of government. The words of the motion had no reference to the newspaper, or if they had, was that ground for their lordships to proceed upon? Was newspaper authority, and that vaguely introduced, proof sufficient to establish a fact to the satisfaction of that House? Did the newspaper shew that the money was raised illegally and unconstitutionally? Their lordships would act most unbecomingly to form resolutions upon matters of rumour; they could not proceed to decide *sine teste et sine judice;* they must always have facts, matters proved to the satisfaction of the whole House to be facts, as the ground of their proceedings. With regard to the motion of the noble earl, it was a mere allegation without a proof, thence liable to challenge, liable to contradiction: for one, he discredited it; he could not believe that money was raised by the meeting of the London Tavern either illegally or unconstitutionally; that it was raised for the service of the King, he verily believed; and who should gainsay it? Every man might give the King money, as was well known; it was equally well known, that every man might either give or leave the King land; it had been often done, and no person ever dreamt of its being illegal.

With regard to the second proposition, the very terms of it were inapplicable; supposing the fact to be, that money was raised as the first proposition stated, could such subscriptions be deemed benevolences? The donations so nominated in ancient times, though called free gifts, were notoriously the contrary; men were, when a commission for public benevolences to the crown was issued, compelled to contribute, and if they refused, or with-held their proportion, they lost their liberty, and were sent to prison. At the same time let the noble lords consider for what was the present subscription made—to assist the King with levy money; a matter often practised, and always essentially serviceable to the state. The King, by his prerogative, was empowered to levy men and raise an army. When men were raised, the new levies were reported to parliament, whose duty it was to provide for their subsistence, in case they did not think the levies improper, and pass a censure upon them by giving their negative. The nation could not be injured in the present case, the professed purpose of the public subscriptions was to furnish additional levy money to make the bounties larger than government generally gave, and by that means to quicken and render more easy the filling of the old corps, and completing the army. Supposing even that more men were raised than were enough to complete the number, what would be the consequence? The King must apply to parliament for more subsistence money. It was in the power of either House to negative the new le-

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vies, and what then? Why then, as many of the new levies as parliament negatived, must be disbanded, the money subscribed by individuals would be lost, and what mischief would be done the nation, or what injury would the liberty of the subject, or the privilege of parliament sustain? In answer to the argument urged, that parliament ought to be consulted as to the raising of men, previous to new levies of any kind, long experience had shewed the impolicy of such a custom, and therefore it was never practised. The King in raising an army, as in making a subsidiary treaty, never applied to parliament till after each was effected; and it had for ages been deemed a sufficient security to the constitution, that parliament had a power to disband the one, or set aside the other, by passing its negative upon either.

The noble earl further said, that the question contained in the second proposition was by no means new to him; he had heard it agitated before, particularly in the year of the rebellion, when twelve noblemen raised regiments, when voluntary subscriptions were frequent in all parts of the kingdom, and when the public spirit was so far roused, that in some parishes persons went from house to house, collecting and receiving contributions for the service of government. This latter matter, the noble earl declared, was thought highly improper by many, and for this reason—it in some sort approached the nature of the benevolences formerly obtained; for although it did not compel contributions from individuals under pain of imprisonment, it was so far compulsory, that those who refused were marked persons, and held out to their neighbours as such. But even under this idea, it never was deemed a violation of the privilege of parliament, or unconstitutional; on the contrary, a very great magistrate, a very sound constitutional lawyer, and a most upright man, the lord chancellor Hardwicke, who, as the House would, his lordship said, he doubted not, readily believe, was not apt to give his opinion without due consideration, had taken occasion, previous to the condemnation of the three lords who suffered for their assisting in the rebellion, to deliver his sentiments upon the legality of raising men by voluntary subscriptions of levy-money in the most clear and emphatical terms, in the language of truth and conviction, in the very words which had in the course of the debate been read to the House by the noble earl who moved the amendment: nor was the practice merely to be traced to that era; a more recent instance had occurred in the year 1759, when the common council of the city of London met in form, and voted levy-money.* The subscription, indeed, was not very great, amounting only to about 7,000*l.*; it was followed, however, by other subscriptions of the great companies, merchants, &c. and sufficiently shewed the spirit of the people; and what then ensued? Was it reprobated as unconstitutional? Were the subscriptions deemed dangerous and illegal? No. Mr. Secretary Pitt wrote a very florid letter back to the city, thanking them for their zeal, and applauding them for their loyalty and public spirit. The letter would be found to contain the secretary of state's approbation of the measure conveyed in the strongest terms that language would allow. After a great variety of arguments, most of them supported by precedents, in proof that assisting the King with levy-money in moments of public exigency, was neither unconstitutional nor illegal, nor an infringement of the rights and privileges of parliament, the noble earl concluded with declaring, that he highly approved of the public subscriptions for that purpose; that he thought the individuals who subscribed, acted a very meritorious part, and deserved every encomium their lordships could bestow upon their conduct.

Lord *Camden* spoke in reply to lord Mansfield, and began with observing, that had the noble earl early in the debate given his sentiments on the irregularity of quashing the motion, by moving an amendment totally foreign to the purport of it, he should have been exceedingly happy, as it might have assisted their lordships materially, by bringing on a debate on the question really before the House, and which was of too important a nature to be taken up hastily, or by the bye, as the noble earl had done. His lordship declared his aversion to speaking to any motion which was not fairly and fully before the House; he could not, however, consistently with his feelings, forbear saying a few words in answer to the positions of the noble earl, who had, as it were, thrown out his opinion casually, although that opinion, unresisted and unreplied to, gave their lordships a colourable pretext for passing a negative on the motion of the noble earl who had made the two propositions.

* See Vol. 15, p. 943.

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With regard to the matter of fact on which the first proposition was grounded, he appealed to their lordships, if any one of them felt the least doubt of there having been a meeting held as the advertisement in the newspaper specified, of a subscription having been agreed on and made at that meeting, and of that subscription being intended for the purpose of raising men without the sanction of parliament. The points were too evident either to be argued away, or painted in any colours which would so disguise the truth, as to prevent its being obvious to every one of their lordships. The great matter, therefore, for the consideration of the House was, whether the money so raised and applied, was a legal and constitutional act, or whether it was not a violent infringement of the rights and privileges of parliament? The noble lord who spoke last had contended, that the money was raised merely to be given in aid of the levy money; a matter which, in his humble conception, so far from being provable, could not in any shape be maintained. On the contrary, the professed purpose of the meeting of the London Tavern was to subscribe money to raise men, a position daringly illegal and truly alarming. It was true, since the intended motion of the noble earl had been made public, the committee who managed the London Tavern subscription had already altered their tone, and had advertised, that upon due consideration they meant to apply the subscription merely to the purpose of increasing the bounty money; but this was an act of their own, not sanctified by, and expressly contrary to the design of their constituents when they became subscribers. The present was a question of the most serious importance that could be agitated before their lordships. Every gift to his Majesty for public purposes, was an aid, and had long since been wisely marked out, as a breach of the privileges of parliament. Nor was the doctrine, that no mischief could arise supposing that more levies were made than parliament would approve, by any means a justification for raising them without the consent of parliament, even were the assertion true in fact, and let the noble lords ask their own feelings if it were so. When a numerous army was raised, might they not defy parliament? Might not armed levies resist the silent votes of the senate? Might they not turn public plunderers, and assume the legislative power? And who would be able to prevent them? Would either or both houses of parliament, or even the three branches of the legislature combined, find it in their capacity to stop the mischief?

These were not the sentiments of a lunatic mind, they were sentiments warranted by sound reason and common sense. History afforded instances of the danger of a large body of forces being raised by individuals; hence the caution of our forefathers against standing armies, hence the jealousy of parliament, and hence the wary eye with which parliament had always guarded the attempt of individuals to raise men. In times of great public danger, in times of uncommon exigency, what at other periods might be not only imprudent, but at all times illegal, might be warrantable. The tyrant's plea, state necessity, had sanctioned many measures not strictly justifiable with regard to their reference to the constitution. On this ground the raising regiments and other acts in the service of government in the time of the last rebellion, as mentioned by the noble lord, were to be excused; rebellion then stalked with giant steps towards the metropolis; it penetrated the heart of the kingdom; it was approaching the door of the king's palace; and it was certainly right, in such a moment, to provide for the public safety, by the best means the nature of the case would admit: but, in his opinion, the case was widely different now, nay, so jealous was he of injuring the constitution, by adding to the influence of the crown, already most dangerously great and extensive, that his lordship declared that he did not think a war in a distant part of the dominions a justification of the King's increasing his army without the consent of his parliament. With regard to the present subscriptions, he said he had not a doubt of their falling directly within the meaning of the noble earl's motion, each committee for raising money to be used "as the King should in his wisdom think fit," that at the London Tavern, and that at Bristol, had assumed a legislative power, and had acted in that capacity in which the parliament only were empowered to act, agreeable to the spirit of the constitution and the meaning of the Bill of Rights.

His lordship declared that he suspected the meaning of the subscriptions, and the use of the regiments raised, the rather because the contributors to the first were chiefly contractors, men who gave a penny to the public purse with the view of rob-

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bing it of a pound; and the latter were raised in Liverpool, Manchester, Edinburgh, and Glasgow, in each of which places it was notorious many of those principally concerned in the last rebellion resided; he said, he could not therefore but be jealous of the sincerity of such loyalists, and rather think they had abandoned the man in whose cause they formerly were so active, than either the cause itself or the measures most advisable to further it. His lordship concluded with observing, that however he might admire professions of loyalty and attachment to the person of the King, he never could approve of such professions when they were accompanied with sentiments of passive obedience and non-resistance.

Earl *Gower* observed, that there was something in stigmatizing men now living, with the errors of their ancestors, more disingenuous than he could have expected from the noble lord. He was a neighbour of those places, and had all the reason in the world to believe them perfectly loyal.

The Duke of *Grafton* was pathetic in his repetition of lord Camden's arguments. He added that there was much to be gathered from history, and that war was at our elbows. Benevolences originated with Edward 4, and were very pernicious practices. The present mode of raising troops by subscription, without the authority of parliament, might lead to serious consequences. It might end in a civil war. Encouraging private individuals to aid the crown with troops, might afford a temptation to accept offers from eastern princes of a dangerous nature to the liberties of this country. The noble duke averred on his honour, that some alarming offers of the kind had been made by the nabobs of the east.

The Marquis of *Rockingham* said, that the amendment was no more than a disingenuous trick to get rid of a motion, the merits of which ministers did not choose to discuss. They were desirous of evading the arguments which they could not contend against. This had been the usage of administration for some years. How many tricks of office had been practised to evade a decision on the illegality of general warrants! The case of the Middlesex election had been craftily evaded. This was an inauspicious reign. To say that these were bad times, would be to censure ministry most severely, and yet, without the most false eulogium on their conduct, it could not be said that these were good times. There had been a studious endeavour in ministers to avoid a public decision of constitutional questions, and yet there had been more constitutional questions brought forward in this reign than in many preceding periods. These were so many proofs that jealousies had prevailed amongst the people; men were become suspicious of their liberties; the increased influence of the crown caused them to consider the throne in a metaphorical light of a monstrous Leviathan, which was always ready to swallow up their liberties. The Nullum Tempus Bill, which would have lain dormant in any other, had been agitated in this reign. There was no end in specifying the evils of the times; they crowded on the recollection; they followed each other like misfortunes; we could only lament the hasty advances they were making on the ruin of this country.

Lord *Lyttelton* observed, that he was not influenced at present to put a negative to the motion by any arguments concerning its legality, or illegality; but because it was most undoubtedly founded on circumstances that did not appear; and that therefore it might induce their lordships to condemn by anticipation, a measure which might in the event prove perfectly laudable. It was agreed on all hands, that they were the concomitant circumstances which rendered the thing culpable, and therefore, these circumstances not being at present explained, their lordships would be premature in their disapprobation, to censure what they did not understand. For this reason, he would vote against the motion at present, and so he would for the amendment; for as he would not censure, neither would he approve without understanding; and in both cases, he was equally in the dark with respect to those circumstances that could render the measure a subject either of applause or condemnation.

Lord *Suffolk* then withdrew his amendment. After which the House divided on the earl of Abingdon's motion. Contents 30; Non-Contents 90.

Debate in the Commons on Mr. Fox's Motion for General Burgoyne's Instructions.] Jan. 27. Mr. *Fox* rose, and premised his motion with lamenting, that the noble lord (G. Germain) was not in his place; especially as he understood, that his absence arose from a family misfortune. The reason however, which induced him

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to make his motion, arose from a calamity of a higher and more extensive nature, no less than the calamity of his country. His motive for troubling the House was to inquire into the total loss, or rather extinction of a British army. He should, therefore, make no apology for renewing his motion, because he was sufficiently satisfied, that though the noble lord could not attend, his particular sentiments on the matter were well known. He humorously observed, that as he wished well to his motion, so he could not possibly find a more proper person to second it than the noble lord in the blue ribbon, who last week confessed himself a friend to it: though the noble lord experienced sad reverses in other places, yet in that House he never appeared in any other character than that of a conqueror; he therefore recommended his motion to his patronage, as under his protection it would infallibly be insured against misfortune: he then moved, for "Copies of all Instructions, and other papers, relative to the Expedition from Canada, under lieut. general Burgoyne; and also, a copy of such parts of the Instructions given to general sir William Howe, as relate to any intended co-operation with lieut. general Burgoyne."

Colonel *Luttrell* expressed his abhorrence of principles which led gentlemen to support rebellion; a rebellion which should meet with every loyal subject's execration; a rebellion, for which any man should blush to be an advocate; a rebellion, the promoters of which ought not to shew their faces, but to conceal them in dens and lurking holes. He could not, consistent with the duty which he owed his sovereign and the constitution, remain silent, when he saw a set of men combined together to betray their country. Placemen without places; orators who spent their time in studying inflammatory speeches, and expending their incomes in having them published in the news-papers; rhetoricians, who got their livelihood by publishing their speeches in parliament; abettors of treason and rebellion, combined purposely for the ruin of their country. [Here he was violently called to order.]

Mr. *Charles Turner* repeated the words of the colonel which had given so much offence, which he had taken down in writing; and after shewing the very great insult offered to a respectable number of gentlemen, he, to mend the matter, and shew where the fault lay, said, that in his conscience he was convinced that the ministry were combined to betray their country.

Mr. *Fox* hoped the House would believe, he did not rise to take notice of the gentleman-like epithets thrown out by the hon. colonel; he considered them unworthy either of his attention, or the notice of the House. But, independent of all this noise and passion, he could not but be surprised, that because a motion came from his side of the House, it was to be disregarded. This was a matter of serious concern, and, if once admitted, would preclude all further debate.

Colonel *Luttrell* said, that the hon. gentleman had always declared himself a friend to revolted America; a friend to the revolted, without any particular friendship for them, must certainly be a friend to the revolt; what then, could he call such people but traitors? [He was again called to order.]

Mr. *Fox* urged the great difference between a friend to revolted America, and a friend to Hancock and Adams, and the other seditious leaders of the revolt. He stood, he said, in the former predicament; and the minister in the latter. He would have conciliated the affections of America in time, and prevented at once the dismal consequences, which have resulted from opposite measures; but the minister, more a friend to Hancock and Adams, and their adherents, than to America or Great Britain, had taken every possible step to unite the colonies in the plan of independence; and to aggrandize those men, who, without the assistance given them in almost every act of government, must have remained at this day in the situation of private gentlemen, instead of acting, as they do now, one of the greatest parts on the great theatre of the world. As to the accusation of his being an orator by trade, it was evident by the hon. colonel's words, it was a trade he did not live by, as he was pleased to describe him as a placeman out of place; and as to the guilt of oratory, he presumed the charge would fall as justly upon the noble lord at the head of the Treasury, who had been as guilty of speaking with eloquence, as any gentleman on his side of the House, and who besides had committed the crime to as great an advantage as any placeman out of place could possibly be suspected of doing.

Lord *North* took upon him to accept the office imposed on him by the gentleman who made the motion, namely, to second

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it, though he confessed himself much less qualified for such a task than the hon. gentleman; he had at first said, he would give his assent to every enquiry that could be made into his conduct; he would stand to his word, nor wish to screen himself from a scrutiny which he was convinced would terminate to his honour: the noble lord for the American department had authorised him to assure the House, that he would not make the least opposition to the motion. Having strong objections to the time of making the motion, however inclined he might be to support it when carried, the House would do him the justice to acknowledge that he was by no means instrumental in bringing forward the enquiry: he insisted the more strongly on this, as his delicacy was not a little concerned in it; some gentlemen having been induced to think, from an expression in general Burgoyne's letter, that he put the affair upon this issue, that either the ministry or himself were wrong.* As this was construed into an oblique reflection on administration, he would not be supposed to act from pique or passion: he therefore repeated it, that he expected the House would do him the justice to bear testimony hereafter, that he did not wish to promote the enquiry at that season.

The motion was agreed to.

Debate on a Motion for the Exclusion of Strangers from the Gallery of the House of Commons.] Jan. 29. Colonel *Luttrell* rose, and premising his intended subject with a few remarks on the injury of misrepresentation and abuse, or perversion of words, of a member of that House in his official capacity, complained, that in a certain morning paper, which he held in his hand, but which he did not name, he had been grossly misrepresented, and charged with having, on a late occasion, behaved unparliamentarily, and that for so doing he had received the censure of the House. He insisted a good deal on the calumny of such a charge, made many severe strictures on the conduct of the editor of that paper in thus aggravating and misstating facts, which he hoped had been witnessed to be otherways by every member present on the occasion, and thereby rendered him infamous in the eyes of the public. He considered such conduct as too heinous to be forgiven, and therefore he informed the House, that, for his future safety and protection, he was determined to move, that the standing order of the House for excluding strangers from the gallery should be strictly carried into execution. He next endeavoured to exculpate himself, from the charge of being disorderly; and said, the hon. gentleman (Mr. Fox) did not call him to order, but observed, that he was very near descending to personalities, and that consequently he was going to be disorderly; but that the hon. gentleman had very good-naturedly prevented him, by interrupting him, when he perceived he was beginning to grow warm. On the whole, he wished to be understood, that it was the editor of the paper alluded to, not he who was the occasion of shutting the gallery doors.

Mr. *Fox* rose to say so far in justification of the hon. gentleman, that he did not call him to order for any unparliamentary assertion levelled at him, but because he seemed to insinuate, that as the motion came from his side of the House it must be rejected. The House at large conceived this in the same manner with himself, and the hon. gentleman accordingly was called to order. If this, then, was the only accusation he had against the editor complained of, he did not think it so enormous: and though he was no advocate for news-paper exposure, he did not look upon it as a sufficient reason for excluding him, among other strangers, from the House. He was convinced the true and only method of preventing misrepresentation was by throwing open the gallery, and making the debates and decisions of the House as public as possible. There was less danger of misrepresentation in a full company than a thin one, as there would be a greater number of persons to give evidence against the misrepresentation. The shutting of the gallery could not prevent the proceedings of the House from finding their way to public view; for during a certain period, when the gallery was kept empty, the debates were printed, let the manner of obtaining them be what it might; and in fact, the public had a right to know what passed in parliament.

The *Speaker* begged to have the sense of the House to direct his future conduct.

Mr. *Rigby* confessed, that he wished to have the gallery shut, not only against gentlemen but ladies; as the latter as well as the former, might dabble in party disputes, and have their predilections and preferences for one party before another. He thought at this time it was very necessary to exclude every stranger, since in the course of next week a most serious enquiry

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would take place, that might perhaps affect the lives and properties of individuals. He confessed, it might be thought odious to make the motion, nevertheless, if the motion was made, he would second it.

Mr. *Turner* intreated the hon. gentleman to give up his intention of making the motion. He did not like a man that was afraid of having his speech published; a man that weighed his words. He wished to see gentlemen warm when circumstances required it; their fathers were warm before them; they were warm themselves, and he hoped their children would be so after them. For his part, he should be always happy to see the gallery crowded; and if one door was shut to exclude all the men, another should be opened to let in all the women.

The *Speaker* said, that the conversation did not a little affect him, for there was a standing order to keep the gallery shut against strangers, and he had, with the acquiescence of the House, relaxed it. He should therefore, as the affair happened to be mentioned, be glad before the House rose, that they would come to some determination.

Mr. *Burke* paid a very generous compliment to the Speaker, for having relaxed in some measure from the rigour of a strict decree; in so doing he had acted wisely and politicly. He was sensible no doubt that *summum jus* was *summa injuria;* and that some laws were better kept in the breach than in the observance. An odium still awaited the exertion of rigorous justice, and to render it respected it must be made gentle. As to the matter then in the contemplation of the House, he had not a doubt about the propriety of opening the doors to strangers; considering it either as the channel of information to the constituents of the members, or as a school for the instruction of youth. Nay, as the source of information and amusement to the ladies, it was a matter of very serious concern, and ought not to be done away and sported with at pleasure.

Mr. *Vyner* thought, that while every member had it in his power to order the strangers to withdraw, whenever it might be inconvenient for them to remain, either from want of room or from secret business on the tapis, there was no need of taking away the right entirely.

General *Conway* spoke a few words to the impropriety of shutting the gallery; and as a proof that it was not one individual alone who suffered from news-paper exposure, he mentioned a falsehood asserted of himself, which he laughed at and despised.

Mr. *T. Townshend* declared it to be unconstitutional to shut the doors of the House generally against the people whom they sat there to represent; he mentioned the exceptions when it was necessary, and the rules of the House could not be dispensed with, and at the same time, he passed a very severe censure on all shameful misrepresentations of the proceedings of the House, and of the speeches of members.

Colonel *Luttrell* owned, that the arguments of the hon. gentleman (Mr. Burke) had staggered and influenced his former judgment, and he was now convinced, it would be odious to carry the order to its rigour. He therefore should not press his motion.

Debate in the Committee on the State of the Nation, upon the Duke of Richmond's Motion, "That no more of the Old Corps be sent out of the Kingdom."]
Feb. 2. The order of the day being read for taking into consideration the State of the Nation; and for the Lords to be summoned;

The Duke of *Richmond* rose. His grace began with a solemn appeal to the House, whether the public affairs were not in a most perilous and truly alarming state? Whether the war with America had not cost upwards of twenty millions of money, and the lives of many brave men? Whether three campaigns had not passed without affording us the least prospect of a change of circumstances in our favour? And whether it was not most materially incumbent upon their lordships to be perfectly aware of the condition and resources of the kingdom, before they sanctified any parliamentary measure tending to authorize the hazard of more men and money, in the continuance of a war which had already proved so expensive and calamitous?

His grace recapitulated the various arguments which had before fallen from him, relative to the impolicy of continuing the contest, the probability of an attack from the House of Bourbon, and the necessity of immediately putting the kingdom into a state of defence. He then spoke particularly to the business of the day, complained of the late delivery of some of the papers on the table, the deficiencies of many, and the want of precision and plainness in

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almost every one which had been presented. Several were only brought in that very day, although the motion for their being prepared had been made nine weeks since; and some of those which had been only then delivered, had been before the Commons for many days. Others which he considered as very material, had not been brought at all to either House. He pointed out the difficulty that there was to understand many of them, particularly the returns of the army, from the totals stating the gross complement of each corps although several of them were not full; and in proof of what he asserted, mentioned the return of the artillery corps serving in Gibraltar, which was returned at 500 and odd, its full complement: whereas, the number actually fit for duty was short of 250. After adducing various proofs of his arguments from the papers themselves, the duke shewed that it was impossible to go fully into the enquiry that day; he should, therefore, content himself with speaking to a single and very material point, relative to which the information afforded the House was adequate and complete.

His grace then moved, "That their lordships resolve themselves into a committee of the whole House," which being agreed to, lord Suffolk moved, that the papers on the table be referred to the said committee, and then the duke named the duke of Portland as chairman. The lords in administration almost at the same instant named lord Scarsdale for the same office. This gave rise to a debate.

The Duke of *Richmond*, in support of his nomination, said, he had no particular reason for naming the noble duke, but that his character and abilities entitled him to every honour their lordships could bestow; and as it was always usual for the person who moved for a committee of the whole House to be complimented with the nomination of the chairman, he wished the nomination might be adhered to, more especially as it would be a kind of insult to the noble duke were it set aside.

The Earl of *Denbigh* called loudly for lord Scarsdale, and said, as the business of the committee would be arduous, and the noble lord had been for years used to do the duty, be conceived he was the fittest person to preside then, and he did not doubt but the noble duke who had been nominated, would himself be of the same opinion.

The Earl of *Sandwich* said, it was a rule of that House for one person always to take the chair on such occasions. Lord Scarsdale had often presided with great dignity and credit to himself, and it would imply a tacit idea of his not having discharged his duty to the satisfaction of their lordships, if he were now set aside. The earl said, he had, for a great many years, sat in that House; that he remembered when lord Delaware was the constant chairman of the committees, and he never knew an instance of their lordships appointing a new chairman when the old one was present.

The Duke of *Richmond* said, it was an ill omen to the important business before their lordships, to enter upon it without the cordiality and amicable union of sentiment, with which he hoped to find every lord inspired; that he was sorry to see party spirit so early burst forth, and declared their lordships had offered no solid objection to the noble duke's taking the chair.

Lord *Camden* contended, that there was no necessity for the chairman being a person of profound sagacity and exalted talents. That there was not in either House, a person of the meanest capacity who was not fully equal to the discharge of the duty; that the business was extremely simple and within the comprehension of every one, but that as the duke had been first nominated, it was but just that he should take the chair, and that the lords in administration opposing it, augured ill to the enquiry, and savoured of the want of candour, and that inclination to give proof of personal prejudice which he, for one, detested, and had hoped would not have appeared in the course of the very important business then before their lordships.

The Duke of *Grafton* asserted that there was no order or resolution of the House which entitled one lord to be chairman more than another, but that, in strict duty, each of their lordships ought to discharge the office in his turn.

The Earl of *Effingham* said, if lord Scarsdale had so often done this duty, it was an argument why he should not then be troubled, but that the House ought to thank him for what he had done, and resolve to relieve him from the like trouble in future.

Earl *Gower* observed, that the usage of the House was in favour of the noble lord, who always presided in committees of the whole House; that if, as had been as-

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serted, it did not signify who took the chair, and that the office might be discharged by the meanest capacity, why then depart from the established mode of proceeding? and if the present contest, who should fill the chair, predicted any thing, it must be, that the noble duke meant to create a difference of opinion about a matter, which he and his friends acknowledged was of no sort of consequence.

Earl *Talbot* saw no reason for proposing a new chairman, but now the noble duke was proposed, it would imply some degree of disrespect to reject him. He was sorry to see a difference of opinion arise upon a matter of little consequence, and recommended his noble friends to consent to the first nomination.

Lord *Dudley* allowed, that in the other House it was usual for the member who moved for the committee, to name the chairman, but in that House, the usage had been uniformly otherwise; because the chairman in committees of the whole House, if present, is looked upon in the light of perpetual chairman. Such being the rule, in his opinion, those who attempted to depart from it, testified a spirit of party, not those who wished to adhere to it.

Their lordships then divided upon the question, whether the duke of Portland should take the chair, when the numbers were, Contents 33; Not Contents 58. As soon as lord Scarsdale had taken the chair of the committee,

The Duke of *Richmond* rose. He informed their lordships, that he had sufficiently explained the importance and great objects of the present enquiry, and after the best judgment he was able to form on the great outline of the army, they would be to enquire what the force was in America in 1774, the year preceding the breaking out of the American war, what were the troops foreign and native, sent from hence the three succeeding years; and by comparing the latest returns with the whole of the troops in America, or sent thither in 1774, 1775, 1776, and 1777, whatever the deficiency might appear, that would be the real loss of men by death, wounds, captivity, sickness, and slain in battle; and deducting out of this deficiency, those sick or captives, the remainder would give the total and actual loss. A similar mode of computation would answer for the navy. Next, it would be proper to enquire into the expences already incurred in the prosecution of this destructive war, and our resources in men and money, for another campaign. This would be doing business properly; it would inform us, what we had spent, and what it would cost us for the next year. It would lead us to enquire, what we were likely to get in return; but, above all, it would urge us to consider seriously of the probability of succeeding, and instruct us, if what we sought was equivalent to what we were about to risk, or if equivalent, whether the object was attainable.

His grace acquainted their lordships, that the part of the enquiry, which he intended to enter into this day, would be confined to the state of our military defence within these kingdoms. He then proceeded to the performance of this task with a solemnity suited to the great interests which were to be taken into consideration; and, with a candour, coolness, and precision, no less calculated to fix the attention, than to conciliate the good opinion, and court the confidence of those who might be supposed to differ from him, opened the leading objects which he meant to obtain in the course of the intended enquiry. His first observation was, that at no time were the affairs of this country in a more alarming and critical situation. The very business their lordships this day went upon was the most irrefragable proof of it. It imported, on the very face of the order now read, that their lordships were convened to enquire into, to deliberate and decide upon, the present tremendous state of the country. He never meant to conceal, because he looked upon it to be his duty, as taking a leading part in this great business, to explain to their lordships the objects he wished to obtain by his several motions for papers; and the grand object of all, to determine on the most safe, honourable, and speedy means of putting an end to the American war. In the first instance, it would be proper to point out some preliminary matters, well worthy the consideration of the House. Our ability to carry on the war, so as to obtain the final object to which it has been hitherto avowedly directed, that of compelling our colonies to yield to unconditional submission; and supposing, contrary to the most decisive experience, that that object was clearly attainable, the danger of wasting our resources of men and treasure; and while, in the act of exhausting both, the danger of leaving these kingdoms in a defenceless state, and of

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course at the mercy of foreign powers. If, in the course of the enquiry, it should come out, that the first was totally impracticable, though no other impediment, more than had hitherto obstructed the execution, should arise; if the interference of foreign powers, as to the second contingency, should break the thread of the measures pursued for the last three years; in either of these events, it would follow, that the plan was impracticable. Out of both those considerations, another would most certainly arise, not directly connected, though originating from the American war; that was, the opportunity it would give our rivals in power and greatness to avail themselves of the weak state of the home defence; and from the circumstance of our fleets and armies being on the other side the Atlantic, meditate some blow which might endanger the safety, if not strike at the very existence of this country. The greater part of the premises here stated was in proof on their lordships' table, particularly relative to the impracticability of conquest, and the weak state of our internal defence; and he presumed, the just suspicions we had a right to entertain of the conduct of the House of Bourbon, would not seem ill-founded, when that very construction was given from the highest, as well as most authentic authority. It was the language of administration in one of their most solemn acts. The very construction now made was delivered from the throne. The words of the King's Speech were, "that his Majesty had ordered a considerable augmentation of his naval force, on account of the armaments still continued to be carried on, in the ports of France and Spain."

He would now proceed to apply the reasoning to the facts. He would, from the papers on the table, satisfy their lordships that, after three unsuccessful campaigns, nothing had been effected towards the conquest of America. He would shew, that we had employed, during that period, the whole of our strength to no purpose; that our greatest exertions this year would fall considerably short of the two preceding; that we should not of course be able to effect, with a smaller army, what we were not able to do with a greater: and that, too, against an army considerably strengthened by numbers, improved by discipline, and rendered confident by success. That the last assertion was incontrovertible, though we almost stripped this country to the last man; that supposing, for argument sake, our force in America, without calling any more troops from the home defence, would be equal to what it was on the opening of the last campaign; yet, the passage in the speech alluded to, holding out strong suspicions of hostile intentions from France and Spain, pointed out the necessity of procuring a suitable defence for these kingdoms.

His grace then proceeded to explain to their lordships his particular plan. The returns of the present state of the armies in America would shew the numbers of effective men serving there at the conclusion of the last campaign; and what would be ready to take the field early in the next; on which this plain question would arise; What additional forces could be spared, either to recruit the losses already sustained, or augment the whole army; so as from what has happened, to give a rational prospect of success in the ensuing campaign? This would involve in it another question, which could only be answered by administration. What treaties, or if any, with foreign powers? If there are any, will the troops taken into our pay make up the deficiencies: or are they to be made up out of the old corps in the kingdom, or the new ones now levying? If it should come out that there was no aid to be expected from the continent, then of course either the troops within the kingdom, or the new levies, must be sent to make up the deficiency caused by the last campaign; or finally, the measure of American coercion must be totally abandoned. Ministers declared the contrary; the war against our subjects in the colonies was intended to be pursued with all possible vigour. The inference was then evident, that some one or other, or all the methods mentioned, must be adopted. He hardly believed that foreign aid was much to be relied upon. He less expected that raw, undisciplined troops, could effect what veteran troops were unequal to. Consequently, the deficiency and losses which the army in America sustained in the course of last year, were to be supplied from the old corps; which conclusion fairly imported, that naked and defenceless as we are, it was intended to render us more so, by stripping us of our old corps. To point out the necessity of rather adding to, than diminishing our home defence, the Resolution he meant to propose this day would be more particularly directed.

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His grace then entered into a detail of the army now in Great Britain. He said the returns on the table made the amount to be 15,600. Out of this number, the officers commissioned and non-commissioned amounted to 1,230. The staff, including surgeons, surgeons' mates, &c. 577; the invalids 2,200, who were unfit for field service; the cavalry, consisting of the horse and grenadier guards, and the blues, 400; the dragoons, consisting of dragoon guards, &c. 1,400; which being severally deducted from the total, would leave the rank and file to amount to about 10,600. If it was further considered that London would call for a part of this force; that the three great fortresses, which were the keys of this kingdom, would require men for garrisons, [supposed to mean Portsmouth, Plymouth and Chatham,] and that garrisons would be wanting for other places of strength, though not of such importance; he could not possibly see, in the case of a sudden attack from France, or any other power, that we had any force we could possibly spare to meet our enemies in the field. It is true, our militia, if properly trained to the use of arms, might be rendered serviceable. But he meant now to speak of troops fit for actual service, ready to meet a veteran, numerous, and powerful enemy. He did not mean to take off from the merit of the national militia. He recollected how useful they proved during the late war, and doubted not but they might be rendered so again; but the question was not now, how useful they were capable of being made. The point their lordships were most specially to consider was, what state of defence we were now in? The immediate application, then, he insisted to press on their lordships, from the present state of the army in this kingdom, was, to shew, in case of any such intention on the part of ministers, that it would be extremely improper and dangerous to send any of the old corps out of the kingdom.

His grace next took a view of the state of the garrisons of Gibraltar and Minorca, and of the army in Ireland. The former, he insisted, were not defended by more than half their war complement; nor the latter, by half what had been deemed necessary for its defence, both by the Disbanding Act, passed in the reign of William 3, and an act of its own parliament, passed during the lieutenancy of a noble lord over the way (viscount Townshend.) At the former period, it was thought necessary to fix the establishment at 12,000 men; and at the latter, when part of the troops were drawn from that kingdom, to serve in other parts of the British empire, the Irish parliament consented to an augmentation of 3,300, on condition, and in consequence of a royal message, delivered, as he believed, by the noble lord last alluded to, that 12,000 men should be kept within the kingdom, for its defence in time of peace. He observed, that the Irish parliament had, upon application from hence, sent 4,000 men to serve in America, which, with the deficiencies consequent on the difficulty of obtaining recruits, and other circumstances, had reduced the effective force in that kingdom, as he had before observed, to 4,800, with muskets on their shoulders.

His grace then took a general view of the state of the military, both voted for home defence, and elsewhere. He said, that the troops for guards, garrisons, &c. were 2,000 short; and that there was a deficiency, upon the whole of the army voted for the garrisons of Gibraltar and Minorca, and for the defence of Great Britain, of upwards of 5,600 men. Whence he drew this conclusion, that out of the first recruits enlisted, this deficiency must be made up. And even then, as to the home defence, it would be no more than a peace establishment; 17,000 men were necessary for that defence in time of peace; he would, therefore, submit to their lordships, whether in so precarious and dangerous a state of things, foreign and domestic, it would be at all prudent to part with any of the old corps, when even it was known that they were so much short of what parliament and the nation judged they ought to be in times of tranquillity. His grace then moved the following Resolution:

"That this Committee, taking into consideration the continuance of the armaments in the ports of France and Spain, of which his Majesty was pleased to inform parliament in a Speech from the throne at the opening of this session; and also taking into consideration that a very large part of our naval and land forces are on the other side of the Atlantic ocean, and therefore not applicable to the defence of this kingdom upon any emergency: and that the forces in Great Britain, Ireland, Gibraltar, and Minorca, are at this time less in number by 5,673 men than the establishment has been in times of tranquillity and peace; is of opinion, that no

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part of the Old Corps, which are left in Great Britain, Ireland, Gibraltar, or Minorca, can be spared for any distant service, without leaving this kingdom and its immediate dependencies in a most perilous, weak, and defenceless condition, thereby inviting a foreign war, and exposing the nation to insult and calamity."

The Earl of *Suffolk* said there was great impolicy in exposing to rival powers the weakness of our home defence; and there was great impropriety in parliament interfering to restrain the exercise of the crown, in the controul of the military force of the kingdom. He contended, that the effect of the Resolution, if agreed to, would be tying up the King's hands from pursuing those very objects which had been recommended by parliament. It was the inherent prerogative of the crown, to have the raising, directing, and employing of the military force of the kingdom; to restrain that exercise, or regulate it, would be in fact to suspend it. He said, it was not on the army the defence of this kingdom depended. The navy was our surest and best bulwark. Our fleets were hitherto irresistible; our navy was at present in the most respectable condition; and when that part of the enquiry came before their lordships, he had every reason to expect that the state of the navy would surpass every thing which had been predicted of it. The present numbers of our army, which had been stated by the noble duke, proved nothing. Were they inferior to what they were the three preceding years? Most certainly not. The noble duke supposed what was far from being certain. He supposed that rival powers entertained hostile intentions against us. So it had been said on former occasions repeatedly; but nothing had yet happened to justify those assertions. As to the resources we had in men, little could at present be said on that subject. When the time came to propose any measure of that kind, would be the proper season to discuss it. The noble duke had drawn an inference from a passage in the King's speech, extremely unjustifiable. He supposed, that the reason his Majesty recommended an augmentation of the navy in his Speech from the throne, was because armaments being continued in the ports of France and Spain, that those powers meditated some sudden and decisive blow against this country. Now taking the present flourishing state of the navy, and the conduct of France and Spain into consideration, he was inclined to think, that if nothing else, our state of preparation was no bad pledge of natural security. The truth was, that we had repeated assurances from the courts of Versailles and Madrid, of their pacific intentions; but as armaments were going forward in their ports, it was thought proper by his Majesty to recommend to his parliament, to put our navy in a respectable state of defence. And it was impossible, in the course of our political events, solely to rely on assurances. The nature and extent of dependence which ought to be put on the disposition of foreign courts varied with circumstances; sometimes they created an alarm; sometimes they deserved more credit than at others; sometimes they contradicted themselves, within a short period; and again gave the most satisfactory explanations. Yet supposing that every thing suspected should be realized; he thought it extremely imprudent to invite a war, by either telling our rivals in power or greatness, that we were unprepared to meet an enemy. The motion tended to prove the first; his grace's arguments went to prove the second. If we had not men sufficient to defend us, they ought and must be procured: but he trusted that was not the case: a very short time would enable administration to provide every thing for our home defence in the worst event; and every thing necessary for carrying on the measures to induce our rebellious subjects in America to return to their duty, upon reasonable terms of conciliation; and as to the stripping this country of all the old corps, it was never in the contemplation of ministers. It might be thought proper to send some; but it was never intended to send all. On the whole, there was no particular reason to believe, that foreign powers had any intention to break with us; if they had, he had every reason to be satisfied, we were fully prepared; and if the general interests of the empire required it, he had no doubt but that we had resources fully sufficient to resist the most powerful attacks of our enemies.

Lord *Dudley* said, he was surprized that the sole defence of the nation was supposed, by the noble mover, to depend upon our military force within the kingdom. For his part, he had, from his earliest days, been taught to securely rest on other resources of strength, in such an eventual calamity as an attack or invasion of a foreign enemy. To suppose that an invasion from France was a matter in con-

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templation, was a most extraordinary supposition, and must be accompanied by another still more improbable, which was, that it might be effected without administration having any previous knowledge of such intention. The truth was, that there was not the most distant appearance of any such design; that though there had, experience had fully confirmed the impracticability of such an attempt; for there was no instance in the annals of this country, in which an invasion had succeeded, while we continued masters of the sea. If, however, any sudden necessity should arise for augmenting our land force, it was well known, that our militia, as they proved on a former occasion, during the late war, would be of the most signal service. Besides, in the possible case, supposed by the noble duke, every man, it might be presumed, would arm in defence of his country. He recollected, when the plan of the militia was first struck out, it was proposed to raise 63,000 men. It was afterwards thought proper to raise but half that number; but in case of a foreign invasion, when every thing dear and valuable was to be contended for, it was reasonable to expect, that every member of the community would come forth, the nobleman from his palace, the landed gentlemen, the great body of manufacturers, and labourers, would all unite to repel the attacks of the daring invader: in fine, the spirit of the nation would be its best security in the day of distress, should that ever arrive; and as to the Resolution, he thought it would be extremely improper at the present crisis; it could be productive of no good, and might possibly suggest ideas to our natural enemies, which they would otherwise never have entertained; on these grounds, he should give it his most hearty negative.

The Duke of *Manchester* said, that the militia was not in the respectable state affirmed by the noble lord; that when, during the last war, the militia proved so very useful, they were then upon entirely a different footing. Substitutes were not admitted; the proper gradations in rank were carefully adhered to; the body of the people were satisfied of the justice and necessity of the war, and the superior obligation of doing every act on their part dictated by that necessity. His grace spoke to several other parts of the question, and observed, that not a single solid objection had been made to it: the facts were before the House; no man offered to controvert or contradict them. The inference drawn from the passage in the speech from the throne was no less evident; on what ground, then, the opposition to the noble duke's motion arose, was more than he could possibly account for.

Lord *Lyttelton* said, if the Resolution was agreed to, it would amount to a public acknowledgment, that we were unable farther to prosecute the war in America, or assert the rights of this country over the colonies. It would be an actual declaration, on our part, that we were neither able to defend ourselves, or chastise our rebellious subjects; and of course would be a direct invitation to the different branches of the House of Bourbon, to attempt an immediate invasion of this kingdom. He condemned the impolicy of developing our national means of defence; observing, that such a disclosure would operate both as to defeating our claims over the colonies, and as shewing the people of America how unequal we were to the task of obliging them to return to their obedience; or of securing ourselves against the designs of our rival neighbours. He trusted, however, that the affairs of the nation were not in the desperate situation they were attempted to be held out to the public this night. The resources of the nation were great: its spirit was correspondent to them; there remained one man (lord Chatham) who disapproved of rendering, or consenting to render, America yet independent of this country. He dissented greatly and wisely from those who entertained a different opinion; and if war should be finally decided upon as necessary to be continued against America, or should be commenced in our own defence, he was still, he trusted, equal to the conducting that war, and of carrying it on with success. So well conducted, and thus supported, he did not doubt but the effect would answer the most sanguine expectations of the real friends of their country. Be that as it might, in every point he had viewed the present motion, he was the more confirmed in its impropriety; it would be a public confession of our national weakness; as such, he would never consent to embarrass government in the first instance; nor make a public confession of what, if true, should be concealed from our enemies. Though he objected to the motion, he approved of submitting to parliament every fact which could promise to convey proper information. Parliament were entitled to it. The calculations of

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the noble duke, he presumed, were strictly accurate; and if ministers were culpable, they deserved censure. Nothing of that nature, however, was so much as suggested. The fact meant to be established was, that our force was unequal either to the object of home defence, or of asserting our dominion over America. If either was the case, they should be concealed, not only from foreign powers, but from our colonies, who, it could be no longer denied, had endeavoured to rival this nation, as well in power as in all its consequences. His lordship expressed his highest disapprobation therefore of agreeing to the Resolution; but if he had no other reason than that of invading the prerogatives of the crown, in the constitutional exercise of the executive power, that alone would be sufficient, as it would be the direct effect of the Resolution, if agreed to.

The Duke of *Richmond* replied, that he expected to have heard some of his assertions refuted before any lord would object to a motion, which the necessity of the times loudly called for. He said, all that had fallen from the noble earl in office, only went to an assurance that administration might be trusted, and that at a proper season they would secure the kingdom. Too much confidence had already been placed in the assurances of ministers: in consequence of which, America was nearly, if not altogether lost; three fruitless campaigns had passed, and we were on the brink of ruin. The noble duke repeated his arguments on the propriety of his motion, and added, that it was the duty of their lordships to advise the crown of the danger of the kingdom.

The Earl of *Effingham* remarked, that neither of their lordships in office, so much as offered to controvert a single fact. The premises were acknowledged to be true; the ground of objection stated was, that it would be a public declaration of our national weakness. He could hardly believe that their lordships, when they said so, meant to be serious. Did any noble lord want to be told, that the facts stated in the Resolution were already known to our enemies; nay, long before ministers were compelled to impart them to parliament? Certainly not. Administration were sufficiently apprised of this circumstance; it was therefore evident, that every argument built on such an absurd supposition, as that the House of Bourbon were ignorant of the state of our land forces in Great Britain, was at an end; consequently, when ministers objected to the propriety of the resolution, it could only be to prevent a vote of parliament, which would tell the great body of the people our internal weakness; pointing to the certain conclusion, that the conquest of America was impracticable, that it was dangerous to pursue it any farther, and that there was an indispensible necessity for holding out reasonable terms of accommodation to our colonies. But he would admit, for an instant, the most improbable of all improbable things: he would grant, that France or Spain knew nothing of the state of our national defence, previous to the moving this resolution; he would even push this possibility a step further; that the vote now moved, though administration acknowledged the facts, would be discredited, if it should receive a negative; but would be believed, if it received their lordships' sanction: allowing all this, he still contended that it could not be productive of disclosing our national weakness, because the vote would be understood, by foreign powers, as the first introductory measure of putting the nation in a state of defence, sufficient to repel any attack which might possibly be in the contemplation of our enemies.

Lord *Camden* ridiculed the idea of mock secrecy, affected by the noble lords on the other side, as the most barefaced insult ever attempted to be put on the good sense and understanding of that House. The notion of conquering America was absurd at any time, but more so now, when France had in every thing, but mere form, declared America independent. He reminded their lordships, that the perilous situation which this country was now in, had been frequently foretold in that House. He particularly adverted to a fact, stated very early by the noble duke (of Grafton) of the two French gentlemen, who went to Mr. Washington's camp near Boston, in the summer 1775, and from thence to the Congress at Philadelphia. This, he believed, was the foundation of the connection between France and the colonies. Though the fact had happened several months before it was mentioned to their lordships, yet administration seemed totally ignorant of its reality, and treated the transaction as originating in a mere spirit of curiosity, or mercantile adventure. What was the consequence of this first overture on the part of France? Early in the next summer the Congress send Mr. Deane to the court of France in a public character; he

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is followed by Dr. Franklin the next winter, who is armed with more complete and extensive powers. Henceforward every substantial effect of the most solemn amity and alliance ensues. France opens a trade with our colonies; she sends them arms, ammunition, clothing, and officers to discipline their troops, and instruct them in the art of war. During the whole of these transactions, remonstrances are made, promises given, explanations added; but still France, by one means or other, persists in the same conduct. Ordinances are issued; those ordinances are no sooner made public, but they are evaded, altered, or modified in such a manner as just to amount to nothing. In fine, France effects, by repeated modes of evasion, her utmost wishes; sometimes holding a firmer language, at others a more moderate, and again making declarations of the warmest friendship, till at length she completes the first part of her plan, that of disuniting America from this country, and giving our colonies just that species of assistance which has enabled them now to defy our most vigorous exertions. She enabled America to do what America could have never effected without her—to withstand the whole power of this country.

Whether administration saw this in the early stages of the contest, or not, he would not pretend to determine; but he could say, that they had been repeatedly told of it; and that, when too late, they began to be undeceived. For notwithstanding the pacific assurances, and the delusive private promises and public acts, which had been boasted of with so much parade, it is now known that the ports of L'Orient and Nantz are blocked up by a British naval force. Three frigates are now cruising off those ports, to intercept succours going to America, and to put a stop to that very commerce which the French king, in his public edicts, pretends to prohibit. If ministers should carry their threats into execution, and, from remonstrating, resort to open force, he had not a doubt but a war must be the consequence. He presumed, that there was not a single member in administration would dispute it. He insisted that France, be the occasion what it might, meant from the beginning to take part with America. He was equally certain, that she intended a war with this country, when the proper season should present itself. That season was almost present, and he was perfectly satisfied that a war with the united power of the House of Bourbon was approaching. It was certain in all events, and he had strong reason to believe, was not far distant.

On the only two serious grounds on which the present state of this country could be defended, much had been said by the noble lords who opposed the motion. The first was the very formidable state of the navy; the second, the just dependence we ought to have on that constitutional mode of defence, our national militia. Our navy was stiled our great bulwark: it was represented as invincible. No lord in that House entertained a higher opinion of the prowess of our seamen than he did. The state of our navy not being properly in the contemplation of the committee, he should defer giving his sentiments on the subject till enabled so to do from the papers on the table; but as that matter was already taken as granted, and relied upon accordingly, in argument, on the other side, he thought it his duty to declare his opinion, how far such a defence ought or ought not to be relied on. He would first premise, that however brave and skilful our seamen might be, he thought it presumptuous to say they were invincible. He was willing to believe, and experience had taught him to expect, that when a British fleet was equal in point of strength, number, &c. they would prevail; but allowing this, he should be extremely sorry that in the confidence of our superiority, we should ever risk the fate of this country solely on our navy. Every kind of war, but above all, operations at sea, were liable to accidents, or might be controuled by Providence. Winds, tides, &c. were not at the disposal of human policy; nay, though all these should tend to hold the balance even, the conflict might terminate in our disfavour, and, according to the conclusions drawn from the consideration of our naval superiority, might end in our total destruction, if, in consequence of a defeat, a powerful and well-disciplined enemy should land in this kingdom: "The race was not always with the swift, nor the battle with the strong." Besides, there were instances, within his own memory, in which, though we had acknowledged superiority at sea, yet, from other circumstances before alluded to, that superiority denied its aid in the manner contended for. One was, when there was a formidable and alarming armament at Dunkirk, in 1743, at which time, the winds being unfavourable to the British fleet, the inva-

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sion must have been effected, if the embarkation had not been prevented by a storm, which destroyed the transports, &c. destined to carry the invaders to the British shore; the other was of a later date, when lord Hawke had the honour of defeating the fleet under M. Conflans, in 1759. Indeed, it required very little argument to prove the absurdity of trusting the safety, nay very existence of the nation, to so precarious a defence as that of our fleet alone. It was well known that France had at all times a powerful military force, in the vicinity of our coasts: and it was equally as well known, that in the space of twenty-four hours she might, by pressing fishing-boats, small craft, &c. have it in her power, from Calais, and other ports in the channel, to invade us with such an army as would drive us to the necessity of fighting for our very existence and independence as a nation. His lordship entered, besides, into the consideration of what little dependence we ought to have on our militia, from its present wretched and undisciplined state: and concluded with giving his assent to the Resolution, on the ground, that national security, at the present tremendous period, called for a suitable military defence; and that of course none of the Old Corps, in the terms of the Resolution, could be spared out of the kingdom, without hazarding the most dangerous consequences.

The Earl of *Sandwich* paid several ironical compliments to the noble lord who spoke last, on his great knowledge, talents, and volubility of speech, but which, in the present instance, he feared had run away with his judgment. He presumed the learned lord did not mean to expose our national weakness by assenting to the motion. He supposed the contrary: and was inclined to think so from the noble lord's own argument; for surely if his lordship imagined the nation to be in the weak and defenceless state which the resolution was supposed to import, he could never have brought himself to point out the means of invading us, or instruct our enemies to attack us with success: he could never have described the wretched state of the national militia, or asserted, that a British fleet might be beaten upon an equality; that the uncertainty of winds and tides rendered our naval defence precarious, and not to be at all depended on. Much less would the noble lord have alluded to instances in support of those arguments, and, on the whole, have contended, that in spite of our naval superiority France might, at any time, in the space of twenty-four hours, collect flat-bottomed boats, fishing vessels, and other small craft, and land an army in this island without interruption.—His lordship proceeded to expose what he called their absurdity; he said, the learned lord possessed such transcendent abilities, such a crowd of ideas, was blessed with such prompt utterance, and such a weight of eloquence, he was always happy in hearing him speak on subjects he understood; but assured him, he never desired to find him on salt water; there he was clearly out of his element. This being the case, though he would scarcely venture to contend with the learned lord upon any other subject, he would take the liberty to set his lordship right; previous to which he thought proper to give his general sentiments as to the effect of the enquiry. He said he was, from the first steps taken in this business, totally against disclosing any matter which might tend to expose to foreign powers the state of this kingdom; or, in general, that of our naval or military strength; and his reasons were, that whatever was said in that House, immediately got abroad. He perceived that the space below the bar was crowded; he would not determine on the propriety or impropriety of admitting strangers; but certainly it was a fair consequence to draw, that foreign powers had their emissaries in that House, who would, by the very first opportunity, transmit home an account of what was then passing. Such being the case, he should have hardly thought it necessary to reply to the matters thrown out by the learned lord; but that his silence might be construed into an acquiescence in what had been urged by his lordship.

On the first fact alluded to by the noble lord, relative to the armament at Dunkirk, when the late marshal Saxe came there, to command the troops destined to invade this kingdom, he contended, that the project was deemed wild, absurd, and impracticable; and the event proved it was so; for the vessels being obliged to lie in an open, dangerous road, the first heavy gale of wind which happened destroyed the transport vessels, dashed them against each other, which ended in their destruction, and defeated the project. Independent of this circumstance, he said, as long as we have a superior fleet, no embarkation at any port in the channel can possibly succeed. And even while the armament at

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Dunkirk was pending, he saw hogsheads of letters, both from persons resident at Dunkirk and elsewhere, and from officers serving in the intended expedition, totally reprobating the absurdity and impracticability of the attempt, and earnestly wishing all thoughts of it were laid aside.

His lordship next ridiculed the learned lord's assertions of an invasion from Calais. The learned lord must first suppose, that an armament could be collected, without our having any previous knowledge of it; and must likewise suppose, that, when collected and ready to sail, our fleet in the Downs would rest inactive, and let the armament pass without destroying it. But even granting that all impediments of this kind were removed, where could the enemy land? Such an armament, consisting of flat bottomed boats, &c. could not be supposed fit to keep the sea; if not, then he should be obliged to the learned lord, to land, as well as he had collected, this armament.

The learned lord had been almost as unlucky in his military, as in his naval assertions. Indeed, he seemed to be equally ignorant of them both. He had condemned the employing of substitutes in the militia; now in his apprehension, the employing of substitutes was the very circumstance which rendered the militia respectable; and would, if occasion should make it necessary, render it formidable. Instead of giving us decrepid, unserviceable men, it had a direct contrary effect. It was the cause of filling the militia corps with able men. The grocer, manufacturer, &c. who knew nothing of military discipline, was excused, upon procuring a substitute to serve for him. This man, perhaps trained to arms, strong, robust, of a healthy constitution, served as long as the law permitted him; and either instructed his comrades, if before a soldier, or, by habit of a long service in the militia, became one. Whereas in the other manner, the drawing by lot those on whom the lot fell, unused to arms, or unfit from some natural or acquired impediment, answered no end whatever. He recollected, that he had served himself, in the militia corps, now under the command of a noble duke (of Manchester) and what he now observed was the case, particularly at the beginning of the late war: and he had every reason to be satisfied, that if the embodying the militia, at any future period, should become necessary, the present corps could soon be rendered as useful as those, on which such high commendations had been bestowed.

The learned lord had talked of some of our cruizers being stationed off Nantz and L'Orient. He affirmed, he knew nothing of the matter; if the fact was so, the orders did not come from him. If it was true, he thought it not proper for his lordship to divulge it. On the whole, he thought it extremely imprudent, if not highly censurable, to expose our weakness, if any such weakness existed; and if it did not, the folly or blame was still increased; but above all, his lordship condemned such parts of the learned lord's speech, as tended to invite a rupture with, or an attack from our foreign enemies.

The Duke of *Grafton* said he disapproved of the manner adopted by the last noble lord, in the discussion of matters of such singular importance. He disclaimed every idea of introducing jest and merriment on the present occasion. He charged administration with all the evils that at present threatened this nation; and reprehended, in terms bordering upon reproach, the authors of the implied imputation thrown out on those who obstructed the measures supported by the noble lord. His grace observed, that the main argument used by his lordship was of the most extraordinary kind he ever heard. "Opposition have testified their dissent of such and such measures; they have foretold the events that would happen in consequence of them; of course, opposition were the cause of those unhappy events." This, he insisted, was a language not to be endured. He trusted, that the day of enquiry and retribution was not far off; that the day was swiftly approaching, on which such a defence dare not be avowed; or, if set up, would not be accepted of. He contended, that the nation had been betrayed, misguided, and misled; and that every mischief which had already been brought upon us, or threatened the nation, had been occasioned by the inability, treachery, or design of those to whom the conduct of public affairs had been entrusted. From ministers every evil originated; from them of course redress or satisfaction would be ultimately sought and obtained. The sovereign was surrounded by such men; he was advised by evil counsellors. The nation, in consequence of their power and influence over the sovereign, was led to the brink of ruin. It was now become absolutely necessary that such councils should continue no longer to ope-

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rate or mislead. The nation called for other men and other measures; and he was certain both would be required, and must be obtained. The throne was not only surrounded by weak, but he feared wicked men. If, in the general mode of conducting the affairs of government, ministers were supported in carrying through doubtful measures, not in their possible consequences of any great importance; if on such occasions, even improper compliances took place; and that an acquiescence might be fairly interpreted into a support of government; if, in such a supposed case, the influence of the crown, and the power of those acting under its authority, might be supposed, on account of favours granted or promised, to bias the general conduct of parliament; the evils resulting, if any, from this influence and these motives, might be remedied, or removed, when they were discovered; but in a case like the present, when the very existence of the nation depended on the issue, he hoped no man would suffer himself to be led by such an improper influence, or to be guided by such base, and unworthy motives. He was once in office himself; and by every light he could obtain then, and both before and since, he was fully justified in affirming, that the nation, should the measures now pursuing be persisted in, let the promised event of them be what they might, could not much longer bear the burden. What he was now going to offer, was but the opinion of a private man; but if his information was not very ill founded indeed, he could venture to affirm, that a war with France was swiftly approaching. He would not pretend to fix the exact time; but he undertook to say, it would take place within the period of three months at the farthest, if a peace with America was not immediately agreed to. A peace with America he ventured to predict would ensure the continuance of peace with our natural enemies; without that, a war with the latter was inevitable.

His grace next endeavoured to shield his learned friend from the wanton attacks of the noble lord who spoke before him. He confirmed the fact alluded to by the learned lord, relative to the affair of Conflans' fleet; and lamented the absence of the noble lord (Hawke) who could have so properly informed their lordships on that subject, as well as several other matters mentioned in the course of the debate. He well remembered that we had notice of a very formidable armament being preparing to sail from Brest in the winter 1759; and that sir Edward, now lord Hawke, was ordered to watch its motions. What was the consequence? The admiral stationed off Ushant, where he was ordered to cruize, was blown into Torbay by contrary wind. The same wind that compelled him to return to Torbay from his station, served the French fleet under Conflans to come out of Brest water, and to collect the transports, in order to proceed towards Ireland, to invade that kingdom. So matters stood at the very instant Providence interposed. A brisk wind sprung up, not only to enable the admiral to quit Torbay, and return to his former station, but to catch the French fleet, struggling with a hard gale to call their transports out of port; from which his grace drew this inference, that our naval defence, however superior or formidable, was not sufficient, solely, to protect us from an invasion.

The Committee then divided on the duke of Richmond's motion: Contents 31; Not Contents 94. The further consideration of the State of the Nation was adjourned to the 6th instant.

Debate in the Committee on the State of the Nation, upon Mr. Fox's Motion, "That "no more of the Old Corps be sent out of "the Kingdom."] Feb. 2. The order of the day being read, for the House to resolve itself into a Committee of the whole House, to consider of the State of the Nation; the several Estimates, Papers and Accounts which had been moved for, were referred to the said Committee. The House then went into the Committee, Mr. Pulteney in the chair. Upon which,

Mr. *Fox* rose, and after an apology for the trouble he was going to give the Committee, and his own personal good-fortune in having his audience reduced,* being

* "This day, a vast multitude assembled in the lobby and environs of the House of Commons, but not being able to gain admission by either intreaty or interest, they forced their way into the gallery in spite of the door-keepers. The House considered the intrusion in a heinous light, and a motion was directly made for clearing the gallery. A partial clearing only took place; the gentlemen were obliged to withdraw; the ladies, through complaisance, were suffered to remain: but governor Johnstone observing, that if the motive for clearing the House was a supposed propriety, to keep the state of the nation concealed

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persuaded he should not have answered the great expectations which had brought them there, stated the motion he was going to make, and the grounds of it, in the following, but much more correct, elegant and energetic manner:

Sir; it is my intention to enter this day only into the minor part of the business, which I hope will undergo the consideration of this committee—a committee, Sir, appointed for the important purpose of considering the present alarming State of the Nation. I must, however, beg not to be considered as the mover in this momentous concern; the nation calls for this enquiry, and I am only one instrument in the bringing it about. What I have to beg of the House, is not to mix this day's business with any thing that has passed before, but to go plainly and directly to the business, to consider what is the actual state of the country, and how Great Britain can be saved from the critical situation in which she now stands. And in considering the subject, I would wish gentlemen would agree with me at least so far, as to divest themselves of all former opinions, of all favourite ideas, and of all prejudices which may have been contracted in the course of past debate, and take them up anew as they are the result of the present enquiry, and the fair deductions from the information now conveyed to the House. I would wish gentlemen to forget their animosities, and consider themselves neither as friends nor enemies to America, nor that country either with love or hatred, but regard it with a calm and dispassionate mind, as a part, and a very considerable part, of the British empire.

Sir, the method I have chalked out to myself, as the most likely way to bring men to a right understanding of the present state of the nation, and to point out what conduct it is our interest in future to pursue, is to state facts as they appear from the papers on the table; first, with respect to the army, that in the years 1774, 1775, 1776, and 1777, there was such an army, consisting of so many thousand men, and that such and such operations were performed; I shall, secondly, state the impossibility of increasing that army; and,

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from our enemies, he saw no reason to indulge the ladies so far as to make them acquainted with the arcana of the state, as he did not think them more capable of keeping secrets than the men; upon which, they were likewise ordered to leave the House. The duchess of Devonshire, lady Norton, and nearly sixty other ladies, were obliged to obey the mandate." London Chronicle.

"When a member in his place takes notice to the Speaker of strangers being in the House or gallery, it is the Speaker's duty immediately to order the Serjeant to execute the orders of the House, and to clear the House of all but members; and this, without permitting any debate or question to be moved upon the execution of the order. It very seldom happens that this can be done without a violent struggle from some quarter of the House, that strangers may remain. Members often move for the order to be read, endeavour to explain it, and debate upon it, and the House as often runs into great heats upon this subject; but in a short time the confusion subsides, and the dispute ends by clearing the House; for if any one member insists upon it, the Speaker must enforce the order, and the House must be cleared.

"The most remarkable instance of this, that has occurred in my memory, was at a time, when the whole gallery and the seats under the front gallery, were filled with ladies; captain Johnstone of the navy (commonly called Governor Johnstone) being angry, that the House was cleared of all the "Men strangers,"

amongst whom were some friends he had introduced, insisted, that "all strangers" should withdraw. This produced a violent ferment for a long time; the ladies shewing great reluctance to comply with the order of the House; so that, by their perseverance, business was interrupted for nearly two hours. But, at length, they too were compelled to submit. Since that time, ladies, many of the highest rank, have made several powerful efforts to be again admitted. But Mr. Cornwall, and Mr. Addington, have as constantly declined to permit them to come in. Indeed, was this privilege allowed to any one individual, however high her rank, or respectable her character and manners, the galleries must be soon opened to all women, who, from curiosity, amusement, or any other motive, wish to hear the debates. And this to the exclusion of many young men, and of merchants and others, whose commercial interests render their attendance necessary to them, and of real use and importance to the public." Hatsell's Precedents, vol. 2, p. 172.

During a debate on the 1st of June 1675 (see vol. 4, p. 732), some ladies were in the gallery, peeping over the gentlemen's shoulders. The Speaker spying them, called out, 'What borough do those ladies serve for?' to which Mr. William Coventry replied, 'They serve for the Speaker's chamber!' Sir Thomas Littleton said, 'The Speaker might mistake them for gentlemen with fine sleeves, dressed like ladies.' Says the Speaker, 'I am sure I saw petticoats.'

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thirdly, the enormous expence that is already incurred. The resources in men and money thus failing us, the conclusion naturally is, that there must be some sort of negociation, and in this part of the business I cannot too much lament, that my motion for papers relating to what has already passed on this subject was rejected. This would have enabled the House to judge of the impediments that have hitherto prevented such negociations from taking place, and to provide some adequate remedy.

After having stated these facts, and drawn this conclusion, which, I think, may fairly be deduced from them, I shall go retrospectively, and shew that the war has been mismanaged, even on the principles of those who undertook it. It will be, then, a proper time to look back, and see to what our want of success has been owing, as I believe I may lay it down as an incontrovertible axiom, that, when a country falls, within the short space of a few years, from the very highest pinnacle of glory to which any country, either in ancient or modern times, ever arrived, there must have been some radical error in the government of it: though at the same time I will allow, that if it should turn out that there is a radical error, it is not of itself a proof of the criminality of ministers. I am inclined to think, that there has been a radical error in carrying on the war at all, and likewise that there have been errors equally great in the conduct of it.

Sir, I shall not now enter into any more of the proceedings relative to America, than are necessary to shew the immediate steps which have brought us into our present situation. Without discussing the various questions which have been for many years agitated in parliament, I shall take up the measures relative to America in the year 1774, when the riots at Boston first called for the attention of this House; papers were indeed called for and granted, but there were some things that tended that year to shut the eyes of ministers to the true state of that country, and the true interest of this—which was to prevent, rather than stimulate and increase the general discontents in the colonies; every body must allow, that the agreement with the East India Company was a most unfortunate one, and the immediate source of all the troubles that have since followed; every body knows what happened. Here began a capital mistake of the ministry; they mistook a single province for a whole continent; they mistook the single province of Massachuset's Bay for the American empire. Virginia, a colony no less jealous of its rights, nor less warm in its assertion of them, was entirely forgotten: it was not thought possible that any other colony should unite with the Massachuset's; now, whoever fights against ten men, and thinks he is contending only with one, will meet with more difficulties than if he was aware of the force brought against him; for I believe I may lay it down as an undoubted maxim in politics, that every attempt to crush an insurrection with means inadequate to the end, foments instead of suppressing it. The case here was, you took a great object for a small one, you took thirteen provinces for one; and not only that, you imagined the other twelve were with you, when the very act you was then doing made those twelve equally hostile; for another misfortune at this time was the taking a violent step against the town of Boston. If America was not before sufficiently united in a determined resistance to the claims of this country, this made all America combined; they were all from that moment united with the town of Boston, which might have been before the object of the jealousy of the rest. Another mistake was the altering the government of the province of Massachuset's Bay, whereas the acts of all the other colonies, as well as this, plainly shewed it was not the form of government in that province, which occasioned the commotions there, because other province, which depended more on the crown, and which have the appellation of royal governments, were not less early or less vigorous in their opposition and resistance. Now, Sir, if the form of this government was not itself the cause of the troubles in that country, then the alarm given by the alteration of that government was certainly a most capital mistake; because it gave the whole continent reason to think and to fear, that they had no security in the permanency of their government, but that it was liable to be altered or subverted at our pleasure on any cause of complaint, whether real or supposed; their natural jealousies were awakened; by the same reasoning, the governments of the other colonies, though much more dependent on the crown, might be rendered entirely despotic, and they were all from thence taught to consider the town of Boston, as suffering in the common cause, and that they might very soon stand in need

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of that assistance which they were now lending to that unfortunate town.

But, Sir, there was another circumstance which tended to mislead the House, and for which the ministers and not the House were entirely to blame, and that was the partial manner in which they laid papers before the House; they laid the accounts of facts, but no opinions of people upon the spot as to the extent of the resistance, the temper of the people, or any other circumstance concerning it. Now, Sir, if men are endued with passions, if they are not mere machines, knowing facts is knowing nothing, without knowing the springs and motives from whence such actions proceeded. Suppose, for instance, a person in a distant country had no other way of judging of the temper of this House, and of the motives of their conduct, but from the printed votes of this House, could such a man form any judgment of the reasons why such a line of conduct was approved, and why such a one was rejected? Sir, it would be ridiculous in the extreme to suppose it. Now, Sir, I will venture to affirm, that this House was not in the year 1774 informed of the spirit of opposition there was in America, and of their prejudices against taxation. If they had, I should hope they would have thought it wise, if not just, to have applied such remedies as might have healed rather than irritated the distemper. But, instead of any thing of this sort, other bills were immediately passed shewing that all was of a hostile nature, and that nothing was to be expected from this country but coercion and punishment, particularly the Act, as it is called, for the more impartial Administration of Justice; I mean the Act for sending over persons to be tried here in England. This gave the idea of a great and effective army, and as a provision for the consequences of much bloodshed and slaughter. And, after all, what an army was sent? As that Act excited their terror as well as indignation at our injustice, so the army that was sent excited their derision, without at all lessening their resentment. It taught them to contemn the power of this country, as much as they abhorred its injustice.

But, as if all this was not sufficient to irritate and provoke, the Quebec Act was passed, the contents of which every body knows. The principal purpose of this Act was to form a great interest in Canada, to be a perpetual check upon the southern provinces, and to keep them in awe; it was considered in this light in America, and was held up by the violent party in that country, as a specimen of the form of government that might be introduced and established in every part of that continent. Hardly any man after this would say a word in favour of the British legislature; every remaining friend to government, as he was called, that is, every man less violent than the most violent, had nothing to say in favour of the good intentions of the mother country. After this Act passed, it put an unanswerable argument in the mouths of all parties, that the intentions of Great Britain were vindictive in the extreme. The makers of the Quebec Act, whoever they were, thus became the friends to the violent party in America. If they had not thus seasonably interposed, there was a chance of America's being divided, or at least of there being different degrees of resistance in its colonies. This made them all not only more firmly united, but equally zealous and animated, equally determined to go all lengths rather than submit. Now, Sir, the passing of that Act at that time had the same effect that, for instance, the repeal of the Test Act would have had in king William's time; for however great a friend I am to universal toleration, I should certainly have been against it at that time, because it would have disobliged one party, more than it would have served another; it would have joined a great body of Tories to the enemies of the Revolution, who were already sufficiently numerous. From the moment, Sir, this Quebec Act passed, there was only one party in America; it stopt the mouths of the moderate party, if any such were still left.

Another extraordinary idea, Sir, was at this time taken up, namely, that the coercive Acts passed in that session would execute themselves; the only argument in favour of the minister on this head is, that they thought the army there sufficiently strong to enforce the execution of these Acts. This is another instance in which the parliament confided absolutely in ministers, as I allow must sometimes be the case; it may not be fit on all occasions for parliament to know, while an important business is in execution, every step and every particular; there must be a certain degree of confidence reposed in ministers, that confidence was reposed here, and ministry are therefore answerable if it should appear that they have abused it. Sir, in 1775, ministers began to be afraid,

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that more ill consequences might follow; they then found, for the first time, that the cause of Boston was the cause of America; they therefore passed more laws, and sent out a capital reinforcement with three able generals. The Americans, on the other hand, became still more united; the name of a party was, however, still kept up, and, notwithstanding all the violent measures of this country, and the armies that were sent out for the purpose of supporting the friends of government, the Tories, as they were called, and punishing the Whigs, yet the Tories suffered more than the Whigs, their friends more than their enemies.

But, as if all this was not enough to exasperate and to prove they had no resource left but in self-defence, we rejected, before the end of the session of 1775, the Petition from New-York, drawn up in the most affectionate and respectful terms that could be, considering the state of the contest: this was the last effort of the moderate party, your own friends, who were told, on the news going back to America: "You see what dependence is to be put in Great Britain: how will she treat us, when she has thus treated you?" Sir, a few weeks before the arrival of the reinforcement, the civil war began. Then followed the battle of Bunker's-Hill. This ought at least to have been a lesson to the ministry, that America was unanimous and determined to put every thing at stake. Sir, there is one circumstance I omitted to mention in its place, and that is the conciliatory proposition of the noble lord (North); I need not go into this now; it has been often considered, and without saying any thing more about it at this time, I will only say what every body must allow, that this House was left to judge of the *quantum*, which was one of the very principal objections urged by the Americans, that they did not know how far this claim of ours might extend; it was, in fact, not only asserting the right, but establishing it in practice. Now, Sir, I beg leave to stop here for a moment, and ask this question, Does any man seriously think it better to give up America altogether, unless we can exercise the right of taxation in the uncontrouled and unlimited manner in which we claim it?

Mr. Fox then ran over the various operations of the army in America, after the arrival of the troops from their being cooped up in Boston, to their being obliged ultimately to leave it, &c. He then described the conduct of America. What, said he, was the language of America at this time? They send a petition to this country, couched in the most respectful terms, disclaiming every idea of independence, which had been, in the course of the preceding session, objected to their conduct, and desiring no concession that would be in the least dishonourable to the mother country, but supplicating his Majesty that he would be pleased to point out some mode. How was this petition received, and what was the answer? All that was said, was, To this petition no answer will be given. But the ministry gave out, that the petition was all a farce, the Americans want independence. If this had been really the case, which I in my conscience do not believe, what occasion was there for saying so? Why not have tried the experiment, and by this means have shewed to all the world the unreasonableness of your enemies and your own moderation? Suppose for instance, you had been treating with Lewis 14, who, every body allows, aimed at universal monarchy; suppose you had been treating with him about a petty town in Flanders, would you have told him; "Ay, it is impossible to treat with you, you aim at universal monarchy, you never mean to give up this town, for you will not be contented till you get them all." But, Sir, least of all should this have been objected by those who say the government have a great party in America; that the friends to British government are still numerous and powerful there; for these arguments militate against each other. If independence was a popular pretension in America, why should America have unnecessarily disclaimed it? Yes, but it is said, it was meant to deceive America—why, then, if it was necessary to deceive America, she did not mean independence, otherwise it would have been deceiving her into the belief of a thing, which she did not approve. But, if America was averse to independence, was it not worth while to try pacific measures?

Instead, however, Sir, of any thing of this sort, a change of administration at this time took place, which plainly shewed there was no chance left but in war; and now, for the first time, Sir,—I allow it—real vigorous measures were adopted; the whole force of this country was to be exerted, every nerve was to be strained. The first event however, of this campaign—I mentioned it before—was general

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Howe's being driven out of Boston; and now, Sir, only to shew the versatility of some people, and, as an instance how ready men who caused all these calamities, are to adapt themseves to the unfortunate consequences of their own conduct, as soon as the news came over of general Howe's evacuating Boston, they congratulated each other on the event, they were glad of it, it was a lucky step, though, by the bye, there is still the greatest reason to believe, it was matter of necessity, not of choice. Fifty-five thousand men had been voted; sir William Howe's army was completely reinforced. Every body knows what passed. He makes himself master of Long-Island; he takes New York, &c. Here were two or three battles gained; here was a sort of victory, though not an absolute extinction of the enemy's army. What followed? All promises of taking the moment of victory for proposing terms of accommodation were forgot. But this was the moment in which the Americans declared themselves independent states. Did this look like a termination of the contest? If it did, there was a circumstance that passed in the latter end of the year 1776, from which you might, at last, have learnt that it was impossible to reduce them by mere force. I mean the affair at Trenton. The sudden manner in which this army was gathered together, the success that attended it from the nature of the country, plainly shewed it was impossible entirely to reduce them. But, to shew the deafness of administration to every proof of the true disposition of America, and to shew likewise the uniform conduct of gentlemen on this side of the House, a motion was made in the latter end of the year 1776 for a revision of the laws by which the Americans might think themselves aggrieved. To revise the Acts that had been passed was surely as gentle a word as could be made use of, and indeed, was the expression made use of by the commissioners themselves in a proclamation they issued in America. I need not say, Sir, this motion was, for various reasons, but without one solid argument, rejected.

Sir, as to the events of the last campaign, I shall touch them very slightly. It is sufficient to say, that no decisive stroke has been given. We have got possession of three towns instead of one, but of no more extent of country than is just within a small circuit round those towns. With regard to general Burgoyne's expedition, I will only say,—that it failed. The expedition itself is of such a dye that it deserves a separate consideration. It should be reserved to itself.

Sir, after having passed resolutions concerning the various facts and events during the period I have been describing, the House will naturally form an opinion concerning their future conduct, and I shall then ask whether any man can imagine it possible to go on with an offensive war? If it should appear, that all means are inadequate to the conquering them, and that the having gone on so far has shaken the credit of the nation, more than it was shaken at the end of a six year's war with France, then it will be for the House to consider what is to be done in the present moment. It seems to me that the inference will be, that force alone is not sufficient, and that we must call in negotiation to its aid. But, Sir, this is a subsequent consideration. Another question likewise with regard to the alliances of this country. If it shall appear that we are strong in alliances, then it is very true we may venture somewhat further than we might otherwise venture. This is a very proper thing to be considered.

Sir, I sat out with acquainting the House, that I meant to day to begin with a very small part of the business; it is only to draw an inference from the papers on the table, that in the present situation of things it will be very imprudent to send any more troops out of the kingdom. The peace establishment of troops in Great Britain has been 17,000. Now, Sir, I do not mean by what I say to approve of that establishment. I think it too high; but such it has been of late years; 17,000 for Great Britain; 12,000 for Ireland; 3,500 for Gibraltar, and 2,300 for Minorca. These make altogether 34,800. This is the establishment in time of profound peace. But various reasons conspire to make us apprehensive of war; the conduct of France, the state of public credit, his Majesty's Speech at the opening of the session is alone sufficient to prove there is the greatest reason to prepare for a foreign war. Now, Sir, if 34,000 men are necessary to be kept up in time of peace, I think no gentleman can be of opinion, that we should have less than that number at the present moment. Mr. Fox then shewed from the papers on the table, that the number of the troops now in Great Britain, including the officers, non-effective, &c. did not exceed 15,000; in Ireland 8,000, in Gibraltar and Minorca 5,000; so that there

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was now an actual deficiency of the peace-establishment 6,000. I think, Sir, it appears from this it would be madness to part with any more of our army. As to the new levies, I do not now consider whether the levying them without the approbation of parliament, be legal and constitutional; that will be to be considered another day; but I speak on a supposition of their being levied. And if they are, I should hope it is not intended, that the safety of this country is to be left to their defence.

On the whole, Sir, it appears to me that if gentlemen are not blind, they will see that the war is impracticable, and that no good will come from force only; that the lives that have been lost, and the treasures that have been wasted, have been wasted to no purpose; that it is high time we should look to our own situation, and not leave ourselves defenceless upon an idea of strengthening the army in America, when, after all, it will be less strong than it was last year, which produced nothing decisive, or in the least degree tending to complete conquest.

Mr. Fox concluded with moving, "That an humble Address be presented to his Majesty, that he will be graciously pleased to give orders, that no more of the Old Corps be sent out of the kingdom."

To the great surprise of every body without doors, who had seen so full a House drawn down to attend the result of an enquiry of so much expectation, no debate ensued, nor was the smallest reply made to Mr. Fox's speech. In this singular situation the question was called for, and the Committee divided: For Mr. Fox's motion 165; Against it 259.

List of the Minority.

Adair, James
Allen, Benjamin
Anderson, Eve.
Annesley, Fr.
Anson, George
Acourt, general
Aubrey, J.
Baker, William
Barré, rt. hon. Isaac
Barrow, Charles
Bailey, Nathaniel
Benyon, Richard
Bertie, hon. Per.
Bootle, Richard Wilb.
Bouverie, hon. W. H.
Bull, Frederic
Bunbury, sir Charles
Burke, Edmund
Cavendish, lord G.
Cavendish, lord F.
Cavendish, lord J.
Cavendish, lord R.
Cavendish, lord G. H.
Clarke, Jerv.
Clerke, sir P. Jennings
Clayton, sir R.
Coke, T. W.
Coke, Daniel P.
Cooper, J.
Conolly, Thomas
Conway, rt. hon. H.S.
Cruger, Henry
Corbet, J.
Crewe, J.
Darker, J.
Davers, sir C.
Dawkins, Henry
Drake, William, jun.
Dunning, J.
Elliot, Edward
Feilde, Paul
Finch, Sav.
Fleming, sir Michael
Fletcher, Henry
Fonnerau, Thomas
Fox, hon. C.
Frankland, Thomas
Gibbon, Edward
Glynn, John
Goddard, Ambrose
Gordon, lord G.
Gowland, Ralph
Granby, marquis of
Gregory, Robert
Grenville, George
Grenville, James
Grey, hon. Booth
Griffin, sir J. Griffin
Guise, sir William
Halsey, Thomas
Halliday, James
Hamilton, hon. W. G.
Hanbury, J.
Hartley, David
Hartley, H. W.
Hay, T.
Hayley, G.
Holte, sir Charles
Honeywood, Philip
Honeywood, Film.
Hopkins, Richard
Howard, hon. T.
Hungerford, J. P.
Hunt, G.
Hussey, William
Johnstone, G.
Johnstone, J.
Irnham, lord
Keppel, hon. Aug.
Keppel, hon. William
Knightley, Lucy
Lawrence, William
Lemon, sir William
Lennox, lord G.
Lethieullier, Benj.
Lister, T.
Lowther, sir James
Lowther, James
Ludlow, earl
Luther, J.
Luttrell, hon. T.
Luttrell, hon. James
Lygon, William
Martin, James
Maugur, Joshua
Mawbey, sir Joseph
Meredith, sir W.
Middleton, sir W.
Middleton, viscount
Miller, sir T.
Milles, Richard
Molineux, Crisp.
Montagu, hon. J.
Montagu, Frederick
Morant, Edward
Mortimer, H. W.
Mostyn, sir R.
Newenham, G. L.
Oliver, Richard
Owen, W. Mostyn
Parker, J.
Peirse, Henry
Pelham, C. A.
Pennant, Richard
Pennyman, sir James
Penruddock, Charles
Plumer, William
Polhill, Nathaniel
Popham, Alexander
Powys, Thomas
Rashleigh, Philip
Ridley, sir M. W.
Robinson, sir G.
Rous, T. B.
Rushout, sir J.
Salt, Samuel
Savile, sir G.
Sawbridge, John
Scawen, James
Scott, Robert
Sedley, sir C.
Skipwith, T. G.
Standert, Frederick
Stanhope, Walt. Spen.
Staunton, T.
Sutton, G.
Tempest, J.
Thompson, B.
Thoroton, J.
Tollemache, hon. W.
Townshend, rt. hon. T.
Trevannion, J.
Tufnell, C. F.
Turner, Charles
Tyrconnel, earl of
Van Neck, sir G. W.
Vaughan, Ev. L.
Verney, earl
Vernon, hon. G. V.
Upper Ossory, earl of
Wake, sir William
Walpole, hon. T.
Walpole, hon. R.
Walsingham, R. B.
Watson, hon. L. M.
Weddell, William
Wenman, viscount
Whitmore, T.
Wilkes, John
Wilkinson, Pinckney
Wilkinson, J.
Wilmot, J. E.
Wray, sir C.
Yonge, sir G.
TELLER.
Byng, G.

Debate in the Commons on Clothing the New Levies raised without Consent of Par-

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liament.] Feb. 4. In the Committee of Supply, lord Barrington moved, That 286,632*l.* 14*s.* 6*d.* be granted for the clothing the newly raised forces.

Sir *Philip Jennings Clerke* said, if he was as well convinced of the necessity and good policy of continuing the American war, as the most zealous friend to administration appeared to be, he would not sit there and consent to measures to carry it on, which he thought were totally subversive of the fundamental principles of the constitution. He had been ever taught to think, that freedom and a security of property were blessings which an Englishman enjoyed in a much greater degree than the inhabitants of any other country. He, therefore, could never persuade himself to think, there was a power in the crown to raise an army in this country, to any extent it pleased, without the previous assent of parliament. That power which could raise a thousand, might raise an hundred thousand; and then that liberty which we so much boast of, which was obtained by the blood of our ancestors, which we wish to transmit to our posterity, becomes at once a name only, a phantom, and an empty shadow; for whenever a bad king ascended the throne, it would be in his power to take it away from us. He thanked God we had a good King, we were in no danger at present; but it was our duty to guard against evils, which might arise hereafter. He referred to the preamble of the Mutiny Act, which says, that the King shall not raise an army in time of peace. He left the House to decide, whether this was war or not. He thought himself, a revolt of the colonies 3,000 miles distant, could hardly be called a war here. He knew, he should be told, that no danger could be incurred to the stocks from such a power being in the hands of the crown; for though the King might raise an army, the parliament must pay them; without which assistance they could not have any effect. That being admitted, he thought a very dangerous method had now been adopted, by encouraging private subscription, to be disposed of according to the direction of the crown; by which means an army might be raised and paid, and the parliament deprived of the controuling power, which was the great security of the liberty of the subject. In the present case, with the help of those quick subscriptions, a large Scotch army might have marched to Derby, without parliament being acquainted that such an army existed in the kingdom. He said, the species of army was liable to great exceptions in a constitutional light; it was too national: 9 or 10,000 men, all of any one country, was very exceptionable. He wished to avoid national reflections, but he thought too great a partiality was shewn to the people of Scotland. The noble lord (North) had said, will you punish the children of the fathers unto the third and fourth generation? By no means. But he could not think that those who on former occasions, had shewn no good-will to this country, were of all others the most fit to be trusted. He was ever averse to punishments, but could distinguish between very uncommon benefits which were now conferred on them, and punishments, when he considered the appointment in a military view, it appeared to him an imposition on the public, and an injury to the army. Rank has been given to officers in a most unprecedented manner; gentlemen have been appointed to command regiments with the rank of colonel, who never were in the service before, to the great discouragement of all the officers in the army. If it was necessary to give such advantages, there were many young people of noble families in this country, who had with great zeal and spirit engaged in the service, who had suffered hardships and inconveniences, and risked their lives in a foreign country. He thought they had at least as good a title to such preference, as those who had obtained it; and he could not help saying, he wished they had been so considered, as those who were most interested in the state, were most likely to take proper care of it. If the army wanted an augmentation, the most œconomical as well as useful method to do it, was to augment your old corps. The companies which now consist of only 55, ought to be increased to 100, as was done in the last war; by which means you added only one subaltern officer, and consequently made little addition to the half-pay list. It was not necesesary for any man to be an officer to discover that 300 men, added to an established corps, will much sooner be made good soldiers, than a number of raw undisciplined men together, all unacquainted with arms. He could not help observing, that there was one gentleman who had a regiment given him, who was taken from the Swedish service, and never was in our army. He knew not what his pretensions were, but he knew such an appointment must give great dissatisfaction, and be a

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great injury to every officer now in the service, who was under the rank of colonel. If ten new regiments were to have been raised, it would have been justice to have offered them to the 10 oldest lieutenant-colonels in the army. He would venture to say, that they would any of them not only have gladly embraced the offer of raising regiments on the terms now given to the present gentlemen, but have given several thousand pounds each for the opportunity: for the appointment of the officers to a whole regiment now given them, is worth a very large sum of money, if the commissions are sold, and he did not expect many presents would be made. He could make, he said, many more objections, but he had troubled the House too long already; he would only therefore, before he sat down, enter his protest against every part of the appointment.

Lord *Barrington* said, after administration had heard of the disaster which happened to the army under general Burgoyne, they turned their thoughts to the devising the most speedy and effectual means for augmenting our forces, preparatory to the next campaign; and an offer having been made by several respectable individuals, without any application on the part of ministers, it was thought prudent to accept of those offers. Manchester, and some other trading towns took an early part, as well as some noblemen and gentlemen from the northern parts of the kingdom; the highlands in particular distinguished itself, where his lordship particularly observed, the women are more fruitful than the soil. He said, there could be no occasion for reminding the House, that several regiments, independent companies, and corps, were raised there the late war, when two great ministers presided in this country. One in this House, and one in the other. That great man, lord Hardwicke, then assisted in the councils of this country, and he highly approved of procuring men from that part of the kingdom; and if a contrary opinion had prevailed, he was satisfied, that our armies could never have been recruited, nor our successes been so great or decisive, if it were not for the great resources drawn from that country. As to the allusion made by the hon. gentleman, of the colonel who had served in Sweden; he presumed he pointed to Mr. M'Kenzie, commonly called lord M'Cleod, (son to the late lord Cromartie, one of the rebel lords). He had a regiment in the Swedish service, and the rank of general in it; consequently he must have a regiment, or nothing.

Mr. *Dunning* began with explaining the common law, as it stood before any mercenary soldiers were raised, and kept up in time of peace, unless such as were obliged to perform certain services arising from the nature of their tenures, and concluded with the Mutiny Act; in the course of which investigation, he proved that there was not the most faint colour of constitutional or statute law, nor even of usurped prerogative, for making levies without the consent, and during the sitting of parliament.

Sir *George Yonge* was sorry to find, that a greater trust had been put of late years in Scotch soldiers and Scotch statesmen than in English.

The *Attorney General* rested his arguments on precedents. He particularly dwelt on the subscriptions set on foot in 1745; and several others of a similar nature, during the late war. He said, the Bill of Rights law spoke for itself, and was conditional; and the Mutiny Act was regulating, not restrictive. If it was not, it would be the most dangerous law that ever was enacted; for it must be construed so as to tie up the King's hands, let the exigencies of the times, or the necessities of the state be what it may.

Mr. *Fox* contended, that the indubitable consequence of legalizing private donations for raising of troops, must certainly justify the maintaining them, on grounds equally cogent; for who could draw a line, or how was it possible to know whether the money was for the purposes it was pretended to be employed? In such a case, it would be in the power of a bad king and a bad parliament to lay out the money thus raised as they might think proper, till the mischief was so effectually completed as to be beyond remedy.

Mr. *Van* entertained the House with a long comparison between Britain and Rome, America and Carthage, and concluded with asserting, that whatever opposition might be individually without, they were, as a party, rank ideots within doors. He compared some of their leaders to Hannibal, and predicted their fate to be similar to that famous general's, who vowed the destruction of Rome, and who fell in the impious attempt.

The *Solicitor General* contended, that contributions really voluntary, were legal.

Mr. *Byng* was always ready to give every merit to the two learned gentlemen,

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who endeavoured to prove the legality of the measure; but when they forgot their profession so far as to attempt to explain away not only the import, but to contradict the letter of an unrepealed act of parliament, their authority, with him, however respectable it might appear to others, was at end. He presumed, after sixteen years experience, but more particularly made visible on the present occasion, it would be no longer doubted, that the people born on the other side of the Tweed had a preference shewn to them, both in civil and military preferment, but more especially in the latter. He observed great zeal had been imputed to those who had subscribed; but he begged leave to differ as to the conclusion. He doubted not the fact, that the subscriptions were carried on with great zeal, but what kind of zeal? A zeal for obtaining favours of various kinds. One gentleman or person of distinction, subscribed in expectation of future notice from the governing powers. Another had a commission in view for a son, a friend, or a dependent. Then, as for the whole tribe of contractors, &c. it might be easily guessed what their zeal proceeded from. If one man subscribes 200*l.* and by that obtains a company, he will pocket 600*l.* If a merchant or rich manufacturer subscribes a like sum, and gets in return a contract, or any other douceur to ten times the amount, then surely it will not be said that he makes an unprofitable bargain. This is the public spirit of the subscription; the real object of which is, a job. He said, if a person was to converse with the gentlemen out out doors, who constitute the present majority, they breathe nothing but sentiments of peace and conciliation; but as soon as ever they are embodied within these walls, they call out for war, coercion, and unconditional submission. He concluded with observing, that all was public spirit in debate; but he did not hear that a single placeman in these times of exigency and public calamity, had given up the emoluments of his place or office, in order to lighten the burdens of his country.

Mr. *T. Townshend* was severe on the partiality shewn to the Scotch in every thing, and condemned the singular impropriety of calling upon an officer in a foreign service, and contrary to every rule of the profession, putting him over the heads of so deserving a body of men as the lieutenant-colonels of the army, and those gentlemen who bore the rank of colonels, but had no regiments; particularly, when the person thus distinguished, never bore arms in this kingdom, but against the lawful sovereign, and in order to overturn the constitution.

Mr. *Henry Dundas* told the House, that the officer mentioned to have been brought from the Swedish service, was lord M'Cleod, who was a son of lord Cromartie, who was ordered to be beheaded after the last rebellion; that this young man was also in the rebellion, being only 18 years old; that he had been pardoned, but losing his estate, was obliged to live abroad ever since.

The Committee divided: Ayes 223; Noes 130.

Feb. 5. The Report of the Committee was moved to be brought up.

Mr. *Popham* opposed the bringing it up, contending, that the manner in which the troops had been raised, was unconstitutional and illegal.

Mr. *Turner* declared, that his life and fortune should ever be devoted to his Majesty's person and government, because he thought it impossible that a prince of the House of Hanover should ever become hostile to liberty, or violate the laws and constitution in any shape whatever.

Mr. *Rous* thought the subscriptions illegal, but that the rebellion ought to be quelled by any means whatever; he should therefore vote for the supply of the levies, though raised against law.

Mr. *Wallace* said, that though it was against law for the King to levy money, yet it was perfectly consonant to law for his Majesty to get money levied for him.

Lord *F. Campbell* maintained, that the principles of his family were always those of Whiggism; and he thought subscriptions for quelling the American rebellion perfectly consistent with Whiggish principles.

Mr. *Moysey* declared himself satisfied of the legality of such subscriptions, being, as they were, purely voluntary. He said, that lord Coke's opinion was clearly in their favour, as appears by his reading upon the statute of Richard 3, where he makes the distinction between voluntary and involuntary contributions, in his chapter of Benevolences, which had not been taken notice of. That the commission authorized by the statute of Charles 2, so much relied on by the other side, was compulsory in its nature, as appears by the proceedings under such commissions in the time of Charles 1, and in particular

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by the description given of them by sir John Elliot, in his famous Petition to the king from the Gatehouse in 1626*; that the terms of the Act of the 13th of Charles 2,† prove compulsion, for the words, "supply hereby granted," are irreconcileable to any other construction, and are of themselves decisive of the question; for if the money thereby raised was purely spontaneous on the part of the people, the Commons in parliament, in such case, granted nothing; nor was the King sure of receiving a single farthing under such act of parliament.

Governor *Johnstone* contended for the illegality of the subscription; expatiated on the injustice the old officers must sustain, by having so many young ones put over their heads; and said that in the same proportion as the new levies were raised, the recruiting service, as to the old regiments, must be prejudiced. He particularly lamented, that so vast a proportion of these new levies were to be raised in Scotland, because the country must be stripped of its most useful hands for agriculture and commerce.

Lord *North* contended, that the present subscriptions were no more than had been practised in all times of public emergency, particularly in 1745, and in 1759, in Mr. Pitt's administration, when the new levies were raised by private subscription; and the subscribers, instead of being treated as violators of the law, were publicly and solemnly thanked by the then minister, lord Chatham, and applauded by the public. He averred, that no influence whatever had been used, but that the offers all

* See Vol. 2, p. 208.

† This Act not being amongst the printed Statutes, the following copy thereof, signed by the clerk of the parliaments, was delivered in, and read at the table:

"An Act for a Free and Voluntary Present to his Majesty:

"Wee your Majesties most loyal and obedient subjects, the Lords and Commons in Parliament assembled, taking into consideration your Majesty's great and important occasions for a speedy supply of monies, which can noe waies be so redulyly raised as by a free and voluntary present to your Majesty from those who are able and willing to aide your Majesty in this suddaine exigency, as a testimony of their affections to your Majesty, and in ease of the poorer sort of your subjects, doe therefore beseech your Majesty, that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords and Commons in this present Parliament assembled, and by the authority of the same, that your Majesty may issue out such and so many several commissions under your Majesty's Great Seal of England, into the several counties, cities, towns corporate, and all other places in England and Wales, and town of Berwick upon Tweed, directed to such persons as your Majesty shall think fit, for the receiving of such subscriptions as your Majesty's good subjects shall voluntarily offer for supply of your Majesty's pressing occasions; and likewise to issue such other commissions to such other persons as your Majesty shall think fitt, for collecting and receiving the monies so subscribed, the acquittances of which respective receivers, or of any one of them, are immediately to be made, and given without any fee, upon payment made, and shall be an absolute discharge for the sume so described; and in case such subscriptions shall, upon any occasion, be returned into the court of Exchequer, or any other place, the payment thereof shall be likewise returned together with the same, provided that no process shall issue out of the exchequer against any person so subscribing but within two years next after the passing of this act. And for the better execution of the said service, the said commissioners of the counties, citties, townes corporate, and all other places aforesaid respectively, shall, and are hereby enjoined, with all convenient speed, after the issuing out and receite of the said respective commissions, to meet together at the most usual and common place of meeting, within each of the said countys, cities, towns corporate, and all other places; and the said commissioners, or so many of them as shall be present at the said first general meeting, or the major part of them, may, by them, by their consents and agreements, sever themselves into hundreds, rapes, wapentakes, wardes, and other places within their respective limitts, in such manner and forme as to them shall seeme expedient; and shall likewise, from tyme to tyme, give notice of the respective tymes and places of their meetings; to the end that any persons, bodies politic or corporate, may, if they please, resort to them, and make such offers or present to your Majesty as their own hearts shall prompt them to.

"Provided alwaies, that no person, not being a Peere of this realme, shall, in such offer or present to your Majestie, exceed the sume of 200*l.* nor any Peere of this realme the sume of 400*l.* Provided also, that no commissions, to be issued out by virtue of this act, shall be of force, or continue, as to the receiving of any monies, or subscriptions for monies, after the feast of St. John the Baptist, which shall be in the year of our Lord 1662. And bee it hereby declared, that no commissions or aides of this nature can be issued out, or levied, but by authority of parliament; that this act, and the supply hereby granted, shall not be drawne into example for the tyme to come."

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came as the spontaneous and generous effusions of love and loyalty to the King, and as a testimony of their zeal to support the legislature of Great Britain against the rebellion in America.

Sir *W. Meredith* replied to lord North, that it was unjust to give any sanction to his own administration, at the expence of the reputation of another; that lord Chatham's conduct, which he represented to be the same as his own, was nothing like it; that the subscriptions then were to raise recruits for old regiments which had suffered in the wars; which had been raised under the authority of parliament, approved, voted, and for a long time paid by parliament: whereas, in the present case, both the money had been levied, and the troops raised, during the sitting of parliament, without the consent, knowledge, or any communication with parliament whatever; that the precedent for his lordship's conduct might be drawn with more correctness from that of James the 2nd, who, on the duke of Monmouth's landing in the West, had adjourned the parliament, for the very purpose of levying the troops himself, without the interference of parliament, in order to chuse such as were most attached to his person, and most likely to serve his purposes. He then went through the history of all benevolences, from the reign of Edward the 4th, to the present time; that they had been suppressed by two acts of parliament, which are now in force, and had been treated as unconstitutional always, particularly in the reign of James the 1st, when the king attempted to raise a subscription in a manner exactly similar to the present; namely, by sending certain of his confidential servants to different parts of the kingdom to raise spontaneous and voluntary subscriptions, unaccompanied with any circumstance of force whatever. Mr. St. John, who was esteemed the best constitutional lawyer in the kingdom, and afterwards lord chief justice, opposed those subscriptions with great vehemence, and declared, that the attempt to get money for the king's use in that way, was a breach of his majesty's coronation oath, and an abetting of perjury, in all those who subscribed.*

Mr. *Gascoygne* was entering into some personal invective against sir W. Meredith, but the Speaker stopped him, which sir William, in reply, said he was sorry for; because the more that hon. gentleman abused him, the better he thought of himself; that the effusions of his eloquence were incapable of the guilt of slander; they were, on the contrary, satisfactory and reputable.

The Resolution of the Committee was then agreed to.

Debate on Mr. Burke's Motion relative to the Military Employment of Indians in the Civil War with America.] Feb. 6. Mr. *Burke* moved, "That an humble Address be presented to his Majesty, that he will be graciously pleased to give directions, that there be laid before this House, Copies of all Papers that have passed between any of his Majesty's ministers, and the generals of his armies in America, or any person acting for government in Indian affairs, relative to the Military Employment of the Indians of America, in the present Civil War, from the 1st of March 1774, to the 1st of January 1778."*

Mr. Burke began by observing, that one of the grand objects of the enquiry into the State of the Nation, was the conduct and quality of the troops employed in America. That an account of the King's regular forces, and those of his European allies, were already before them. That hitherto no account had appeared of his irregular forces, particularly those of his savage allies; although great dependance had been placed upon them, and they had been obtained at a very great expence. That it was necessary to examine into this point; because an extension of their mode of making war had lately been strenuously recommended. The prevailing idea was, that, in the next campaign, the plans hitherto pursued were to be abandoned; and a war of distress and intimidation was

* See Howell's State Trials, vol. 2, p. 900.

* Strangers were excluded during this debate. Mr. Burke spoke for nearly three hours and a half. Many gave the Speech a preference to any other he had ever spoken. Indeed, this applause was carried to such a pitch, that while one gentleman, in his place, wished it to be printed, and affixed to all the church doors which contained the proclamation for a general fast, a member of great distinction congratulated the ministers upon admitting no strangers on that day into the gallery, as the indignation of the people might have been excited against them to a degree that would have endangered their safety. It is to be regretted, that a full report of this Speech was never preserved. See Annual Register for 1778, p. 110.

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to take place of a war of conquest, which was now found to be impracticable.

He said, that this mode of war had already been tried upon a large scale, and that the success which had hitherto attended it would afford the best evidence how far it might be proper to extend it to all our troops, and to all our operations. That if it did not promise to be very decisive as a plan merely military, it could be attended with no collateral advantages, whether considered with respect to our reputation, as a civilized people, or to our policy, in regard to the means of reconciling the minds of the colonies to his Majesty's government.

He then stated what the nature of a war, in which Indians were the actors against a civilized people, was; and observed, that the fault of employing them did not consist in their being of one colour or another; in their using one kind of weapon or another; but in their way of making war; which was so horrible, that it not only shocked the manners of all civilized nations, but far exceeded the ferocity of any other barbarians that have been recorded either by ancient or modern history. He observed, that the Indians in North America had but two principal objects in their wars; the one was the indulgence of their native cruelty, by the destruction, or, if possible, the extermination of their enemies; the other, which always depended on the former, was the glory of acquiring the greatest number of human scalps, which were hung up and preserved with the greatest care in their huts, as perpetual trophies of victory, conquest, and personal prowess. As they had neither pecuniary emoluments, nor those honorary titles or distinctions, which are so flattering in civilized nations, to bestow, the rewards of danger and warfare consisted in human scalps, in human flesh, and the gratifications arising from torturing, mangling, roasting alive by slow fires, and frequently even devouring their captives. Such were the rewards of Indian warriors, and such the horrors of an Indian war.

He then proceeded to shew, that the employment of the savages in the wars between the French and the English, did not in any degree come up to the measure in question, nor did it stand on the same principles. When those nations first made settlements in North America, the Indian tribes were, comparatively, numerous and powerful states; the new settlers were accordingly under an inevitable necessity, not only of cultivating their friendship, and forming alliances with them, but of admitting them as parties in their contests and wars with each other; the affairs of both nations were so inextricably entangled with those of the people who had sold or given them lands, and admitted them to a share of their country, that they could not be separated; their contracts on both sides created a mutual interest; and while the savages retained any degree of their original power, they could not be indifferent to the disputes that arose among their new neighbours.

But the case was now totally altered. The English colonists were the only Europeans in North America; and the savages were so entirely reduced in number and power, that there was no occasion for holding any political connection with them as nations. They were now only formidable from their cruelty; and to employ them was merely to be cruel ourselves in their persons: and thus, without even the lure of any essential service, to become chargeable with all the odious and impotent barbarities, which they would inevitably commit, whenever they were called into action.

Mr. Burke then proceeded to examine the arguments or apologies that had been used by ministers, in defence or alleviation of the measure. These he arranged under three heads, the first and principal of which was contained in the assertion, "That if his Majesty had not employed them, the rebels would." To this he answered, that no proof whatever had been given of the Americans having attempted an offensive alliance with any one tribe of savage Indians. Whereas the imperfect papers already before the House demonstrated, that the King's ministers had negociated and obtained such alliances from one end of the continent of America to the other. That the Americans had actually made a treaty on the footing of neutrality with the famous Five Nations, which the ministers had bribed them to violate, and to act offensively against the colonies. That no attempt had been made in a single instance on the part of the King's ministers to procure a neutrality; and, that if the fact had been (what he denied it to be) that the Americans had actually employed those savages, yet the difference of employing them against armed and trained soldiers, embodied and encamped, and employing them against

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the unarmed and defenceless men, women, and children, of a country, widely dispersed in their habitations, was manifest; and left those who attempted so inhuman and unequal a retaliation without a possibility of excuse.

The other heads of defence were, "That great care had been taken to prevent that indiscriminate murder of men, women, and children, which was customary with the savages;" and "that they were always accompanied by disciplined troops to prevent their irregularities." On these he observed, that if the fact had been true, the service of the savages would have been a jest; their employment could have answered no purpose; their only effective use consisted in that cruelty which was to be restrained; but he shewed, that it was so utterly impossible for any care or humanity to prevent or even restrain their enormities, that the very attempt was ridiculous: in proof of which, both the present and former wars afforded numerous instances; and it particularly appeared, both in general Burgoyne's and colonel St. Leger's expeditions, that, although no pains were neglected to check their barbarity, they indiscriminately murdered men, women, and children, friends and foes, without distinction; and that even the slaughter fell mostly upon those who were best affected to the King's government, and who, upon that account, had been lately disarmed by the Provincials. The murder of Miss M'Rea, on the morning of her intended marriage with an officer of the King's troops, and the massacre in cold blood of the prisoners who had been taken in the engagement with general Harkemer, only needed to be mentioned to excite horror, and at the same time to shew the impracticability of restraining the barbarities of the savages.

With respect to the latter of the foregoing positions, "That the savages had always been accompanied with regular troops," Mr. Burke gave it a direct contradiction. He shewed, that whole nations of savages had been bribed to take up the hatchet, without a single regular officer or soldier amongst them. This had been particularly the case of the Cherokees, who were bribed and betrayed into war, under the promise of being assisted by a large regular force; they had accordingly invaded Carolina in their usual manner, but for want of the promised support, were nearly exterminated; and the remains of that people now lived in a state of servitude to the Carolinians.

He then stated the monstrous expence, as well as the inefficacy, of that kind of ally; and the unfortunate consequences that had attended their employment. That one Indian soldier cost as much as five of the best regular or irregular European troops. That the expence of these Indians had not been less than 150,000*l.* and yet there never had been more than seven or eight hundred of them in the field, and that only for a very short time. So that it appeared as if our ministers thought, that inhumanity and murder could not be purchased at too dear a rate. He shewed that this ally was not less faithless than inefficacious and cruel. That on the least appearance of ill success, they not only abandoned their friends, but frequently turned their arms upon them. And he attributed the fatal catastrophe at Saratoga to the cruelties exercised by these barbarians, which obliged all mankind, without regard to party, or to political principles, and in despite of military indisposition, to become soldiers, and to unite as one man in the common defence. Thus was the spectacle exhibited of a resistless army springing up in the woods and deserts.

He also passed some severe strictures on the endeavours in two of the southern colonies to excite an insurrection of the negro-slaves against their masters. He insisted that the proclamation for that purpose was directly contrary to the common and statute law of this country, as well as to the general law of nations. He stated, in strong colours, the nature of an insurrection of negroes; the horrible consequences that might ensue from constituting 100,000 fierce barbarian slaves, to be both the judges and executioners of their masters; and appealed to all those who were acquainted either with the West India islands or the southern colonies, as to the murders, rapes, and horrid enormities of every kind, which had ever been acknowledged to be the principal objects in the contemplation of all negroes who had meditated an insurrection. The vigour and care of the white inhabitants in Virginia and Maryland had providentially kept down the insurrection of the negroes. But if they had succeeded, he asked what means were proposed for governing those negroes, when they had reduced the province to their obedience, and made themselves masters of the houses, goods, wives, and daughters of their murdered lords?

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Another war must be made with them, and another massacre ensue; adding confusion to confusion, and destruction to destruction.

The result was, that our national honour had been deeply wounded, and our character as a people debased in the estimation of foreigners, by those shameful, savage, and servile alliances, and their barbarous consequences. That instead of any military effect of value, they had only led to defeat, ruin, and disgrace; serving to embitter the minds of all men, and to unite and arm all the colonies against us. That the ineffective attempt upon the negroes was the grand cause of that greater aversion and resentment, which appeared in the southern, than in many of the central and northern colonies; of their being the first to abjure the King; and of the declaration made by Virginia, that if the rest should submit, they would notwithstanding hold out singly to the last extremity: for what security could they receive, that, if they admitted an English governor, he would not raise their negroes on them, whenever he thought it good to construe any occasional disturbances into a rebellion, and to adopt martial law as a system of government?

He concluded, that the only remedy for the alienation of affections, and the distrust and terror of our government, which had been brought on by these inhuman measures, was for parliament to enquire seriously and strictly into them; and, by the most marked and public disapprobation, to convince the world that they had no share in practices which were not more disgraceful to a great and civilized nation, than they were contrary to all true policy, and repugnant to all the feelings of humanity. For that it was not in human nature for any people to place a confidence in those to whom they attributed such unparalleled sufferings and miseries; and the colonies would never be brought to believe, that those who were capable of carrying on a war in so cruel and dishonourable a manner, could be depended on for a sound, equitable, and cordial peace; much less that they could be safely entrusted with power and dominion.

Mr. Serj. *Adair* seconded the motion.

Mr. *De Grey* spoke in defence of employing the savages; said, that Indian treaties had been made during the last war; that they had been continued, from time to time, down to the present hour; that it was well known that superintendants were employed by government to create and preserve alliances among the Indian nations; and finally, that the House every session approved of, and recognized those alliances and treaties, by voting specific sums of money, to be paid into the hands of the superintendant, to be laid out in presents, and distributed among the leading warriors and chiefs.

Sir *Alexander Leith* was severe on lord George Germain, who, he said, was the sole author and contriver of those barbarous measures. He was astonished that the noble lord, considering several circumstances which he abstained from mentioning, could presume to intrude himself into an office he was unqualified to fill; and he was still much more astonished that he dare continue in it, when his own experience must have long since convinced him, that he was totally unworthy of it. Every single measure he had recommended himself, or adopted from others, exhibited so many proofs of his incapacity; and when his conduct was brought to the test, he affirmed, that the noble lord would be found in every respect, unequal to the high office, which he supposed he had usurped. Here he was called to order by the Chair.

Lord *George Germain* said, he could never sit silent, and hear such unbecoming personalities made to his face. He begged leave to assure the hon. gentleman, if they were sincere, they must have arisen from prejudice, and were ill founded. He was an old member of that House; and he defied any gentleman to say, that he had ever used personalities himself. He always carefully abstained from them; and whatever his provocations to retort might be on the present occasion, he should give one more proof of the same mode of conducting himself. He wished sincerely that his conduct might be fully and immediately enquired into. He was certain it would turn out to his honour; but until that event took place, he thought it was both unparliamentary and uncandid to make personal attacks upon him, which he should always, in future, look upon as meant to prejudice that House against him. His lordship then spoke shortly to the question, and justified the conduct of administration. He said the matter lay within a very narrow compass; the Indians would not have remained idle spectators; the very arguments used by the hon. mover were so many proofs that they would not; besides, the rebels, by their

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emissaries, had made frequent applications to the Indians to side with them; the Virginians particularly; and, some Indians were employed at Boston, in the rebel army. Now taking the disposition of the Indians with the applications which had been made to them by the colonies, it amounted to a clear, undisputed proposition, that either they would have served against us, or that we must have employed them. This being the alternative, he contended for the necessity of employing them, and was ready to submit his conduct on that ground, to the judgment of the House.

Mr. *T. Townshend* contended, that the House was not in possession of any parliamentary proof, to induce it to suppose, that overtures had been made by the Congress to the Indian powers; on the contrary, from the best information, the fact was the direct reverse. There had been a meeting between persons on the part of the colonies and the Indian chiefs, and there it was well known, that all the deputies desired, was a neutrality on the part of the Indians. One of the first public acts of the Congress, besides, was, a letter, addressed to the several Indian nations, in which they stated the utmost of their desires to be no more than an acquiescence in this neutrality; but granting the fact as stated by the noble lord in its fullest extent to be true, it would not meet the main objection stated by the hon. mover, which was, not that those barbarities would be exercised on men with arms in their hands, or made captives in battle; but on innocent, peaceable people in their habitations: unless, therefore, the noble lord would make one supposition more, which was, that the slaves in the southern colonies, as well as the savages, would make a forced march over to Great Britain, and execute here what the two proclamations now read invited them to perpetrate in America; the pretence of employing them to murder old men, women, and children, instead of making war against their armed enemies, even in their usual way, was entirely at an end. He then gave an account of Lacorne, and his method of acting, when he had the command of Indians.

Governor *Pownall:*

Sir; no man can have a more determined abhorrence of the employing the Indian savages in our wars, than I have; because no man, in this House at least, has had occasion to know so much of this matter, as it fell to my lot to have during the last war. My horror of their cruel services does not arise from the paintings of imagination, but from what I have known of the fact: there is not so hellish, so unfair an engine of war, as the service of the Indian savage, when mixed in with the wars of civilized nations. What, then, must we think of it? What must be our feelings, when they are employed in a war between parts of the same nation, branches of the same family, in the war between us and our brethren.

The mutual feelings of humanity, and a spirit of honour, have amidst civilized nations, defined even rights, and given laws to a state of war; have laid a restraint on havoc, and given limits to destruction and bloodshed. There are, even in rigours of war, the *jura belli*, which civilized nations have adopted, and do almost universally observe. The war of the savage, instead of being a contest of right by power regulated and restrained by any feelings of honour or humanity, is an unrestrained effusion of the passions of revenge and blood-thirstiness, *est certare odiis*, is a war of universal ravage and devastation to utter destruction; instead of giving laws to war, it gives the name and effect of right to every cruel exertion of passion, revenge, and barbarity, *jusque datum sceleri*. If, therefore, the Indians have ever, in this war, been employed in any case where an absolute, unavoidable and direct necessity did not call for it, nothing can ever justify it.—I am sure my opinion never shall. I consider, therefore, the case of this American war; its operations are combined with the nature of the country, more than half a wilderness, and with the interests and nature of the Indians who inhabit this wilderness. No war can be carried on in that country in which the Indians will not mix. That belligerent power which hath not them with it, will have them against it. The idea of a neutrality is a delusive notion, and impracticable in fact; and never was taken up by any party, but as a succedaneum, to be tried after such party had miscarried in the attempt, to engage the Indians to act offensively with them. These were the politics of the French in the last war; after we had got the Indians from them, and engaged to us, their whole efforts were employed to engage the Indians to a neutrality. The same spirit of politics, on the same ground, led the Congress, in this war, (after they

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had failed in their attempt to engage confederated Indians) to follow the plausible line of neutrality in the temper of moderation and humanity. They are an informed, a wise, and a prudent body of men; all their conduct has been measured by the rules which wisdom and prudence dictate; they, therefore, first tried to engage the Indians, knowing that there is an absolute, unavoidable, and direct necessity of employing the Indians offensively, and mixing them in with their arms and operations. Without referring to, or quoting the whole course of the French and English politics, in America, respecting this matter; and their various attempts to engage and secure the arms of the Indians to their respective party; I will inform the House, that one and almost the sole purpose of the Congress of deputies from all the colonies in America, convened and held at Albany in 1754, was to persuade and engage the Indians of the Five Nations and their allies to take up the hatchet (in aid of the British cause) against the French. So much for the spirit of American politics in this case. And, in consequence of the absolute, unavoidable, and direct necessity of such measures, the instructions given last war uniformly by the several succeeding ministers, to general Braddock, to general Shirley, to lord Loudon, to general Abercrombie, and general Amherst, were to this very purpose.

From seeing that the Indians must be employed; from seeing that the necessity was unavoidable; from feeling, at the same time, a horror of their being permitted to act their cruelties in violation of every idea of humanity, contrary to every principle of the law of nations, and the *jura belli* observed by civilized nations amongst each other, it was, that, being in a situation which gave a right and power to do it, I formed in consultation and concert with my friend, colonel, afterwards, sir William Johnson, the plan of Indian administration and establishment, which put the Indians, when employed in conjunction with our troops, under such a superintendency and lead as might direct their operations, in conformity to the laws of nations and *jura belli*; the establishment of the superintendency; the forming the Indians into war companies; the getting war-leaders (by means agreeable to their own mode of choosing them) appointed to command and conduct them; the forms of the commissions and instructions, were all settled at that time. From that period, I believe few, if any, of those outrageous acts of cruelty and barbarity, before experienced, have been committed. In 1756, upon the appointment of sir W. Johnson to be colonel of the Six Nations, the Indians engaged to be employed under lord Loudon were formed into four companies, with officers appointed over them. The forms of the commissions and instructions settled at that time were constantly observed during the whole of the last war: and upon my asking the question in office, I have been told that the same have been observed during this unhappy war. If any commander in chief has at any time been induced, from any ideas, different from this preventive system, to give a loose to that rein by which the savage spirit of the Indians was restrained; or, if any improper persons have been employed, who have encouraged, or even permitted the Indians to indulge their old savage cruelty, such, I think, deserve the most severe punishment. We ought first to enquire, whether the like establishments have been observed; whether the like commissions and instructions have been issued in this war as in the last: we ought farther to enquire, whether any improper people have been employed? whether they have carried their command so as to encourage or permit any cruelties or savage rigours in the execution? We cannot condemn what from necessity has been a constant and invariable measure in the American warfare, that of employing Indians: but if any savage barbarities, contrary to the law of nations and the *jura belli*, have been committed, there our censure ought to fall; and in proportion as the fault rises into criminality, that censure ought to be accompanied with punishment.

So much, Sir, for what is past. If the House will indulge me to speak to arrangements, which I think might be taken for the future, respecting these Indian services, I think the necessity of employing them may be avoided; I know, and therefore speak directly, that any idea of an Indian neutrality is nonsense, is delusive, dangerous nonsense; if both we and the Americans were agreed to observe a strict neutrality in not employing them, they would then plunder and scalp both parties indiscriminately. Although this is my opinion, founded on the knowledge and experience I have had in these matters; yet I am persuaded, that if we and the Americans could come to some stipulation, or

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convention, that we would mutually, and in one spirit of good faith, not suffer the Indians to intermeddle, but to consider and act against them as enemies, wherever they did execute any hostilities against any of the British nation, equally, whether English or Americans, all this horrid business might be prevented, or at least in great measure restrained. If government would in the true spirit and temper of humanity adopt this idea, and if parliament would by any means find their way to give sanction to it: if government, in this temper, and under this sanction, would propose to the Congress the terms of such a convention, I am certain, that the Congress would embrace it with sincerity, and execute it with good faith. This is a measure that would have nothing to do with the object of the war; and yet this spirit, thus aiming to regulate the means of restraining its rigours and cruelty, might become the first seed of peace. This would open grounds that might lead to mutual good dispositions and good offices; and who shall say what may not arise out of this; I think I see clearly, such a beginning would end in peace; government will not commit any of its rights or interests in making the proposal; the very making it would lay the grounds of agreement. [Here a mark of almost general approbation showed itself by, Hear him! from all sides of the House.] I hail the happy omen; I think I see the spirit of peace arising in the House, and may it animate all our breasts! I am so confident that this measure would be adopted and succeed; and that it would finally lead to the opening a treaty for peace itself; that if government will take it up as a measure, and this House give its sanction to it, I will, without commission, without pay, or the expectation of any reward whatsoever, go myself to the Congress, and make the proposal: and though I take with me no commission, by which government may be committed; yet if the proposal is accepted and agreed to, I will find a way to give assurance to the Congress, that they may act on my proposal; I will put myself into their hands as an hostage for the truth of what I propose, and for the good faith of government. On this ground I am ready to set out this moment. I feel not a little happy that what I have said is well received by the House; whether it will be accepted and adopted by government, I know not. I feel that I have done my duty.

Colonel *Barré* highly complimented Mr. Burke on his speech, and hoped he would publish it, which if he did, he would go and nail it upon every church-door, where he saw the King's proclamation for the fast. He shewed, from former transactions in the late war, how difficult it was for any general to keep the savages in any kind of order, especially where the number of regulars was not sufficient to overawe them. He mentioned an instance, in which he had the good fortune to preserve the life of a prisoner, but that it was with the utmost difficulty and dexterity that he had accomplished it by stealing as it were the man from their hands, not by dint of discipline or threats. He mentioned that in the late affair between col. St. Leger and general Harkener, near Fort Stanwix, several of the general's men being taken prisoners, sir W. Johnson, who commanded the savages, finding several of the prisoners, who from his own knowledge, were not friends to the American cause, but forced into the service, he separated them from the rest of the prisoners, putting them into a house, and telling the Indians, that they were his friends, and their persons sacred; and yet in the night the houses were broke open, and those very men massacred.

Mr. *James Luttrell* repeated lord G. Germaine's words, "if we were sure the Americans would not employ the Indians, if we ceased to employ them, he should certainly prefer neutrality to such horrid massacre;" he objected to giving ministers the credit of preferring neutrality, when that neutrality was so evidently in their power to be acquired, not by application to the savages, but to the Americans; for if both sides refused to pay for scalps, the Indians must prefer the selling of furs, venison, or wild fowl, to a human butchery, attended with infinite danger to themselves, and no profit. That they might be employed as pilots and hunters, though he thought their shewing general Burgoyne the Hudson's river, had proved no advantage to this country. He could not conceive neutrality an absurdity, because it would imply, that the minister who stated it to the House as a wise measure was ignorant and uninformed; and it was not common sense to say the Americans would not agree to it, when they are the sufferers by the present employment of the savages. He wished for the papers relative to negociations with the Indians, because ministerial assertions were not

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equal to parliamentary proof, and their concealing the truth implied a fear of being justly censured for a want of humanity, disgraceful to the character of the nation.

Governor *Johnstone* expatiated on the bad policy of employing such a banditti. He paid the highest compliments to Mr. Burke's oratory, and expressed himself happy that on this day strangers were not admitted into the gallery, as it might have been to be feared, that so great would have been their indignation at the two noble lords (North and Germain), and to such a pitch of enthusiasm would they have been worked, that he should have expected those lords would have been torn in pieces by the people in the way to their houses.

Mr. *Rigby* pretty strongly declared, that there had been mismanagement somewhere, that it ought to be enquired into, and the nation receive full satisfaction. He vindicated the measure of employing the savages, and said, they might be kept in order, as there was an instance of general Amherst having done it in the late war. In this he alluded to a story told by colonel Barré, that general Amherst had told the savages, that for the future they should not murder any person, upon which 3,000 of them left his camp the next night.

Mr. *Fox* observed, that the idea of keeping the savages in order, was exactly similar to that of keeping the Americans so. That general Amherst had lost all his men as soon as he attempted it, as this nation had America. He proved, that the Americans had not entered into any treaty with the savages until some months after the date of the English treaty, and shewed that to prove the fact was an additional reason for producing the papers. He likewise observed, that the tone of ministers was greatly altered: formerly it was "God and Nature;" now it was simple "necessity."

Lord *North* said, that he also was glad that no strangers were admitted on this day, though for another reason, namely, lest they should be worked up into an indignation and horror against the gentlemen on the other side of the House, for declaring sentiments so contrary to those which the honour and dignity of the country demanded. That in respect to the employment of the savages, he looked on it as bad, but unavoidable; that they were of that nature, that if one side did not, they would enter immediately on the other. That as to the negroes who were set at liberty from their masters, and inlisted to join our army, the proclamation of lord Dunmore did not call on them to murder their masters, as had been said in the debate, but only to take up arms in defence of their sovereign; but he was willing lord Dunmore's proclamation should be laid on the table, that, if reprehensible, it might be attended to. That as to cruelty, he had been informed that several of the provincials had been hanged up, by a dozen at a time, for no other crime but that of driving their hogs or cattle to the English camp, which camp was not in any need of provisions, having been completely furnished from the country with as much as would last them months, and therefore the provisions intended to be brought in were for the use of the inhabitants of Philadelphia, not of the army. He called on the military gentlemen in the House to declare, if this proceeding was warranted by the rules of war of any nation whatever.

General *Conway* said, that the noble lord's question could only be answered by the circumstances of the case. That when a town was besieged or blockaded, and the general who commanded such siege or blockade, had hopes of success by starving the others, and should then publish that no person should bring in provisions on pain of death, that a breach of such orders would be so punished, and the general excusable; but if starving the enemy was not the point aimed at, they seldom proceeded to such extremities. That it was necessary to know the precise time when Washington had done this (if he had done it) as he believed there was a point of time when the army had not taken Mud-Island, and might be supposed to want provisions.

The House then divided:

Tellers.

YEAS	Mr. Thomas Townshend Mr. Powys - - - -	137
NOES	Sir Henry Hoghton - - Mr. Robinson - - - -	223

So it passed in the negative.

Proceedings in the Lords respecting the Commercial Losses occasioned by the American War.] Feb. 6. In the Committee on the State of the Nation, the duke of Richmond desired Mr. Alderman Wooldridge might be called to the bar, and examined.

Mr. *Wooldridge* was accordingly called

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in. He stated the number of ships lost by capture, or destroyed by American privateers, since the commencement of the war, to be 733, of which, after deducting for those retaken and restored, there remained 559; the value of which, including the ships, cargoes, &c. amounted, upon a very moderate calculation, to 1,800,633*l.* 18*s.* Of these ships, 247 were ships trading to the West Indies and the island of Jamaica. In proof of the correctness of this statement, he produced an account, which he declared he had made out, with the assistance of Mr. Hake, secretary to the subscribers to Lloyd's coffee-house, where a book, containing a faithful register of all the ships that sailed outward, or were entered inward, from and at all the ports in Great Britain and Ireland, with the names of the owners and captains, the account of their last voyage, tonnage, state of repair, and quality, was kept, with the most minute correctness; and from which book his account was taken. The alderman further stated, that the average value of a ship and cargo, trading to Jamaica, was 8,000*l.* on her outward, 10,000*l.* on her homeward voyage. That the average value of a ship and cargo, trading to the other West India islands, was 6,060*l.* outward, and 8,000*l.* homeward. That insurance before the war was 2 per cent. to America, and $2\frac{1}{2}$ per cent. to North Carolina, Jamaica, &c. That insurance to America, Africa, and the West Indies, was now more than double, even with the convoy, and without convoy, unless the ship was a ship of force, 15 per cent. That seamen's wages were now raised from 25 and 28, to 55, and in some instances up as high as 65 shillings, per month. That the increased value of sugars, &c. paid the merchants sufficiently for the increased price of insurance, but the weight fell on the consumer of the commodities exported and imported. That the various articles formerly imported from America, were now considerably advanced in price. Tobacco from 7*d.*$\frac{1}{2}$ a pound to 2*s.* 4*d.* Pitch from 8*s.* a barrel to 35*s.* Tar, turpentine, oil and pig iron had risen in the same proportion. Indigo, and some other articles, had increased in price, but not quite so much as the articles above-mentioned. That there had been upon the seas during the war 173 sail of American privateers; the first of which, that the merchants heard of, was the Yankee privateer, taken in May 1776. That about 34 of the 173 had been taken and destroyed by our men of war, cruizers, armed ships, &c. That in the said 173 American privateers, there were at least 13,000 and odd seamen, and 2,000 and odd carriage guns, exclusive of swivels and cohorns. In proof of the correctness of these accounts of the number of American privateers, seamen and guns, the alderman declared, that he made out his list from the letters received by the owners of English ships (which had been taken) from the captains of such ships, who always stated in their letters where they were, where they were taken, the names of the captors, the size and tonnage of their ships, the number of their guns, and the number of their men, and also from the Admiralty office account of captures by the King's ships, published in the London Gazette. That he had averaged the men at 80 in each ship, which was a calculation of a very moderate nature, since he believed the number of seamen in the 173 American privateers were nearer 20,000, than 13,000. The alderman gave his opinion, that the manufactories of this kingdom, especially that of iron, were not increased in point of export since the war began; that the American war had been the cause of many bankruptcies; that when the Prohibitory Act passed, there might be about two millions due to the merchants of Great Britain from America; that in the six months allowed by the Act for the continuance of an intercourse between the two countries, the Americans had transmitted about 500,000*l.* worth of goods, in part of payment of their debts to their creditors at home; that those 500,000*l.* worth of goods, were they now on hand, would be worth two millions, from the increased price of the various articles; that at present, there was due from America to the merchants of Great Britain, at least 1,500,000*l.*; that upon an average, the debt was not worth 5*s.* in the pound; that it was more or less valuable, according to the provinces in which the debtors resided; that in North and South Carolina, and such parts as had not been the seat of war, where the persons of the inhabitants and their property had not been destroyed by fire and sword, the merchants thought their money tolerably safe, should an intercourse be again brought about between Great Britain and America; but that in the province of New York and Pennsylvania, the debts due to English merchants were of little worth; that there was a debt of

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72,000*l.* due in particular to the house in which he had lately been a partner; that, to speak for one, he would gladly sell it for 10*s.* in the pound. He further stated, that the trade to America and the West India islands, previous to the commencement of the war, might amount to about eleven millions annually. After answering of other questions of a less important nature, the evidence was desired to withdraw.

Beeston Long, esq. was next called. The answers given by Mr. Long to the few questions put to him, confirmed what Mr. Wooldridge had stated, relative to the careful manner in which the register of ships was kept at Lloyd's coffee-house, and the general idea of its authenticity which prevailed with the merchants, insurers, underwriters, &c.

Mr. *Abraham Hake* also corroborated the testimony of Mr. Wooldridge, declaring that he was secretary to the society of merchants at Lloyd's, and that he kept the register-books. Mr. Hake also gave proof of the pains that were taken to preserve it from error, and render its authenticity indisputable.

William Creighton, esq. not only corroborated the alderman in the most material points, but added many new facts which had fallen within his own knowledge. He stated the losses suffered by the merchants, in consequence of the captures made by the American privateers, to have amounted to at least two millions in October last, and that by this time they could not be less than 2,200,000*l.* That the first losses of the merchants were occasioned by the prohibition of their sending out a single pound of powder in their ships, which was strictly enforced previous to the merchants being stimulated to petition the privy council, and obtain licenses to arm their ships. That letters of marque were hardly worth taking out, as they were of little service, unless those who had them fell in with an American tobacco ship, and that was as much a matter of chance as the obtainment of a 10 or 20,000*l.* prize in the lottery. That the windward islands had been most exposed to the depredations of the Americans, from having an insufficient number of ships to guard and protect them. That the island of Tobago, in particular, had for a long time no man of war near it, and that in consequence the Americans had landed and ravaged the plantations, carrying fifty negroes at a time off one estate. That at length he, with other merchants, had applied in form to the lords of the Admiralty, and desired that two ships might be sent there; that the greatest attention had been paid them at the Admiralty-office, and the prayer of their petition had been instantly complied with. That he foresaw that Tobago would share the fate it did, long before it happened from viewing its situation in the charts, and knowing that the ships on the West India station were inadequate to the protection of so many islands. That the prohibition of the merchants having gunpowder on board their ships, merely to prevent powder and ball being conveyed to the rebels, was ill founded, because that as long as America found money, there could be no doubt of her obtaining ammunition, &c.

G. Olive, esq. proved the damage done the Newfoundland traders; fifty of whose ships he declared had been taken, of about the average value of 2,000*l.* each, beside a great many small vessels, of about 2 or 300*l.* value upon the banks.—Upon his cross-examination, he declared that the trade was much improved of late, and that in consequence of the Americans being deprived of the means of pursuing it, we sent more fish to Bilboa and the foreign markets than ever, and that if men and ships could be procured, it would turn out a very beneficial branch of commerce; but that the fishermen's price was increased from 8 to 14*l.* a voyage, and the seamen's wages from 35 to 70*s.* a month.

John Shoolbred, esq. of Mark-lane, declared himself an African merchant and an under-writer. He confirmed the accounts of the book at Lloyd's, and stated that the African trade had been materially injured in consequence of the American war: that upwards of 200 sail were generally engaged in that trade, previous to the war: that not a fourth of that number, not above 40 ships, were now sent out: that 15 of the ships and cargoes had been taken by the Americans: that the average value of the cargo of a ship to Africa, outwards, was about 7,000*l.* and her homeward freight of slaves worth about 9,000*l.*: that each slave was worth at least 35*l.*: that the value of the ships lost was 140,000*l.* upon a very moderate calculation: that the first ship was taken in March, 1777; the Americans not having before that time any market to carry the cargo of African ships to; and that all the ships were taken near, and most of them in sight of Barbadoes, after having got over every

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natural risk of the voyage.—Upon his cross-examination, he allowed, that those who carried on the African slave trade formerly, had lately sent ships to fish on the coast of Africa; that the whale trade there promised to turn out exceedingly advantageous, and that this trade was formerly enjoyed by the Americans.

Edward Payne, esq. of Cornhill, proved little new; he chiefly corroborating what the other witnesses had said.

The lords who principally concerned themselves in the examination of these witnesses were the dukes of Richmond, Bolton and Manchester; the marquis of Rockingham, lords Effingham and Camden. The Lord President, and lords Sandwich, Dunmore, Sondes, Lyttelton, and Derby.

Feb. 9. The order of the day being read, for taking into further consideration the State of the Nation, the House went into a Committee.

The Earl of *Sandwich* said, that the noble duke (of Richmond) had brought a number of persons to prove certain facts relative to the commerce of this country; that in order to prevent an *ex parte* evidence from going abroad, without having the other side enquired into, such as what losses the rebellious colonies had sustained, to balance our loss, he would beg permission to call Mr. George Gostling.

The Duke of *Richmond* objected to this motion as informal; he said he would by no means endeavour to preclude his lordship from bringing what evidences he pleased relative to this enquiry, provided he produced them in a proper time; that his evidences lay open to his lordship's cross-examination, and he had it in his power to controvert or dispute any thing adduced; but now to take up another matter, before the former was disposed of, was, in his opinion, unparliamentary, and not dealing with that candour which he expected from the noble lord. That, in respect to himself, he appealed to their lordships, whether he did not, in every stage of this enquiry, previously acquaint their lordships of the substance of his intended motion.

The debate on this became general, the Lord Chancellor, lords Sandwich, Gower, Lyttelton and Bristol, contending for the propriety of lord Sandwich's motion; the dukes of Richmond, Grafton, and lord Camden, opposing it: the Committee divided: Contents 66; Non-contents 25.

Mr. *George Gostling* was ordered to the bar, who, upon several questions put to him, answered substantially as follows: That he was a proctor in the court of Admiralty. [Here lord Sandwich delivered him in a list of prizes taken from the Americans, to the number of 38, and asked him whether he could swear to the condemnation of these ships? Mr. Gostling answered, he could, except two out of the list, which were then under condemnation. Aye, says my lord, that is the same thing.] Mr. Gostling then said, there were eleven more to be added to this list which were considered as Droits of Admiralty. Being cross-examined by the duke of Richmond, whether ships under condemnation were the same as ships absolutely condemned? He answered not, however probable it was they would be so. In respect to the value and appropriation of the cargoes, he answered, he could not exactly state the former, but the general appropriation of them were two-thirds to the captors, upon lawful prizes, and one-third when they were Droits of Admiralty. Being asked how the residue of the money was applied, and whether it was not given to discharge arrears of several of the officers of the Admiralty? He replied he had heard so. And being further asked by what law, or precedent the judges disposed of that money, and whether he, as a practitioner, could recollect any precedent for it being disposed of thus optionally? He said, he could not; but that he believed there were some precedents for it in queen Anne's wars.

Mr. *Samuel Enderby* deposed substantially as follows: That since the Prohibitory-Act, a new trade had been carried on in the southern fisheries of America, in which he was a considerable adventurer; that there were 15 ships then on the trade, and that their average tonnage was 170 ton each, and that the spermaceti whale was much more considerable in value than the common whale formerly taken. [Here lord Sandwich made a calculation, that supposing these ships brought but 100 tons each, the calculation would be 105,000*l.*] Being examined by the duke of Richmond and lord Camden, he said, that the general freight back run from 40 to 50 ton only, that he could not tell what might be their success this year, as the ships were not expected until about June; but he hoped it would be still increasing. He likewise spoke of two other fisheries, one on the coast of Africa, and the other

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on the banks of Newfoundland, which promised to turn out very considerable: that the ships that went on these voyages were manned generally with British sailors (except four Americans to each ship, who instructed the rest in harpooning) and that the profits of the outset of those ships, &c. centered with Great Britain, which formerly, as well as the profits of the fishery, were engrossed by New England men. Being asked, supposing this war at an end, whether the Americans, who he allowed to be more expert in this business than our people, would not be able to conduct this fishery to greater advantage, and undersell us at foreign markets? He believed they might. Being likewise asked what the price of insurance was upon this new trade? He answered 15 per cent. Being further asked, whether the very increased price of spermaceti whale, though it may be profitable to individuals, did not hurt the general trade, so as to fall heavy on the consumers? He candidly replied, he could not speak precisely to the former part of that question: all he had to say upon it was, that his endeavours were to get as much by it as he could.

Mr. *George Davis* said he was 26 years concerned in the whale and cod fishery. In respect to the former he tried to take whales with men from England, but though they could strike them, and had struck several of late, he had not as yet taken one; but he was in hopes of succeeding better in a little time. In respect to the cod fishery, it was not decreased, but they wanted men for that service, and he had no doubt, if the lords of the Admiralty would discontinue pressing, there might be enough found for that service.—Adjourned.

Feb. 11. The Duke of *Richmond* rose, and after a short speech, wherein he recapitulated the evidence which had been given, acquainted their lordships that he had a few motions to make in consequence of that evidence, which were plain matters of fact, and which would be grounds for their lordships' farther deliberation. His motions were; 1. "That it appears to this House, that in the course of trade, a very considerable balance was always due from the merchants in North America, to the merchants of Great Britain, towards the discharge of which remittances were made in goods to a great amount, since the commencement of the present troubles, and whilst the trade between this kingdom and the colonies were suffered to remain open. 2. That since the passing the several Acts for prohibiting the fisheries of the colonies in North America, their mutual intercourse with each other, and all trade and commerce between them and this kingdom, and for making prize of their ships, and distributing the value of the same, as if they were the effects of our enemies, amongst the seamen of his Majesty's navy, the number of vessels belonging to Great Britain and Ireland, taken by ships of war and privateers, belonging to the said colonies, amount to 733. 3. That of the said 733 vessels, it appears that 47 have been released, and 127 retaken; but that the loss on the latter, for salvage, interest on the value of the cargo, and loss of a market, must have been very considerable. 4. That the loss of the remaining 559 vessels, which have been carried into port, appears from the examination of merchants, to amount to at least 2,600,000*l.* 5. That of 200 ships annually employed in the African trade, before the commencement of the present civil war, whose value, upon an average, was about 9,000*l.* each, there are not now 40 of the said ships employed in the said trade, whereby there is a diminution in this branch of commerce of 160 ships, which at 9,000*l.* each, amount to a loss of 1,440,000*l.* per annum. 6. That the price of insurance to the West Indies and North America, is increased from 2, and 2½, to 5 per cent. with convoy, but without convoy, and unarmed, the said insurance has been made at 15 per cent. but generally ships in such circumstances cannot be insured at all. 7. That the price of seamen's wages is raised from 30 to 65*s.* per month. 8. That the price of pot-ash is increased from 8 to 70*s.* per cwt. 9. That the price of spermaceti oil has increased from 35*l.* to 70*l.* per ton. 10. That the price of tar is raised from 7 and 8*s.* to 30*s.* per barrel. 11. That the price of sugars, and all commodities from the West Indies, and divers sorts of naval stores from North America, is greatly enhanced. 12. That the present diminution of the African trade, the interruption of the North American trade to the West Indies, and the captures made of the West India ships, have greatly distressed the British colonies in the West Indies. 13. That the numbers of American privateers, of which authentic accounts have been received, amount to 173; and that they carried 2,556 guns, and at least 13,840

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seamen, reckoning 80 men in each ship. 14. That of the above privateers, 34 have been taken, which carried 3,217 men, which is more than 94 men to each vessel."

The Earl of *Sandwich* said, he all along, from the moment this enquiry into the state of the nation began, dreaded it; not on his own account, but on account of the general hurt it may produce, that of laying open difficulties and embarrassments (which he confessed this country was under) and which should not be laid open. If the noble duke who began this enquiry had calculated the losses of the country by capture of vessels, &c. before that should be admitted, there should be deducted the value of all the prizes taken by the English from the Americans, which, setting the number of prizes at 904, and each prize worth 2,000*l.* amounted to 1,808,000*l.* His lordship said, great advantages were gained by the new fisheries, and concluded, that though nobody wished an end to the war more than he did, yet the continuance of it was, in many respects, advantageous to this country, and would be more so.

The Duke of *Richmond* said, he was surprised to hear his lordships' detail urged as an argument for not deciding on this motion, as it did not mix with any other matter, but resulted from facts proved at their lordship's bar. He was, however, more surprised at the conclusion drawn from that detail, "that because a number of vessels had been taken, they were to be balanced by another number of vessels taken, on the other side, and consequently no loss to the nation upon the whole." I do not mean, said his grace, to be particularly pointed to individuals; and I hope the noble lord will permit me to separate at present the man from the office. I therefore say, speaking to be so understood, I do not wonder at all the distresses which have overwhelmed this country, when a noble lord at the head of the marine department of this nation, betrays such ignorance. What, my lords, when the merchants of this country have lost 733 ships, valued at above two millions of money; to say that the commerce of this country is not affected by such a loss, because an equal number of ships have been taken from the enemy, and the prizes distributed to British seamen! This is so far from being a balance in our favour, it adds to our loss, for if we were not at war with America, the value of all these cargoes in the circuitous course of trade must center with Great Britain. His grace then adverted to his question, which was no more than for the committee to allow, as a resolution, part of what had been already evidenced at the bar, and which would enable their lordships the better to see the grounds they stood on in respect to America, and consequently know what line to take.

The Earl of *Suffolk* opposed the motions on the impropriety of acknowledging what ought not to be acknowledged at so critical a period, the weakness of the nation: he said, the best way of going on in this business would be, to let all the papers lie on their lordships' table for general information, and do the best they could either to remedy defects, or otherwise, but by no means to resolve upon the national imbecility.

The Duke of *Grafton* called upon their lordships to consider the question they were to decide upon, which was a fact already established, and which their lordships could not refuse their assent to: he said, he did not know, nor was it material to know, what the noble duke afterwards meant to go into; so much was clear ground, and would be a very proper one for their lordships to form some resolutions upon respecting the present war with America.

A debate ensued about the mode of disposing of the question. Some were for putting it affirmatively or negatively, others a previous question; but as the latter could not be adopted in the committee, a motion was made for lord Scarsdale quitting the chair, and the House divided: Contents 80; Non-contents 32. The committee being dissolved, the Lord Chancellor resumed the woolpack, when the previous question, "That this motion be now put," being put separately, on the duke's Resolutions, they all passed in the negative, without a division.

Debate in the Committee on the State of the Nation upon Mr. Fox's Motion relative to the State of the British Forces in America.] Feb. 11. The House went into a Committee on the State of the Nation. Before the Speaker left the chair, lord North said, he should, on Tuesday the 17th, propose to the House a Plan of Conciliation with America. Mr. Pulteney having taken the chair,

Mr. *Fox* rose, and stated a number of facts relative to the army serving in America, which facts were founded on conclusions

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drawn from the information on the table. He observed, that there was such a number of effective men in America (6,864) in the year 1774; that by comparing the reinforcements sent out the next year, added to the forces then on the spot, with the returns at the conclusion of that year, it would give the total deficiency, which under its several heads amounted to the total loss; so with the years 1776 and 1777: thus, by adding to the number of men serving in America the first year, the reinforcements and recruits of each successive year, and comparing the amount of those several totals with the last returns, the difference between the latter and the former shewed exactly the loss of men slain in battle, or dead, or otherwise incapacitated for service, by wounds, captivity, and sickness.

This, he observed, was the first part of his plan, to ascertain the loss of lives, and loss of service, under their respective heads; the other part of it would be, to estimate the loss of treasure, which he computed, at the lowest computation, to be full 25 millions spent, which, with 20,000 lives lost, that being the difference, he said, between the troops serving in America at the commencement of the war, and the whole of the embarkations, he appealed to the judgment of the committee, whether it was not full time—(considering that we had gained nothing, or next to nothing, by this fatal contest hitherto, but a powerful, numerous, and well-disciplined enemy, instead of an undisciplined rabble, to contend with)—to think of the critical and alarming situation of public affairs. Whether our resources of men and money were equal to the difficult and hazardous task of conquest; or if that should appear, on enquiry, to be totally impracticable, whether parliament should not, and that immediately, devise some means for putting an end to our public calamities, and endeavour to avert those imminent dangers with which we are threatened on every side. If ministers, while they hold out the plan of conciliation, will at the same time have the candour to acquaint the House, how much treasure has been wasted, how many lives have been lost, how many disgraces have been brought on the nation, by this mad, improvident, and destructive war, he would most certainly join them;—that 25 millions of money have been already spent, or the faith of the nation has been pledged for the expenditure; and that 20,000 lives had been thrown away to no manner of purpose; but, if at all practicable, to make conciliation infinitely more difficult than if the sword had never been drawn, a shilling spent, or a life lost.

He gave the most ample testimony to the bravery and good conduct of the generals; and contended, that they miscarried, not for want of skill in their profession, or from neglect of duty, but merely because they were employed in a service, in which it was impossible for them to succeed; and if ministers shewed any trace of wisdom throughout their whole conduct, it was in their choice of the officers they sent out, though they now basely insinuated, that it was only in the choice of generals that they were deceived; and that it was to their fault alone, that all our miscarriages in the prosecution of the measures could be justly imputed.

He said, he had been informed, that it was intended to send out other generals, and on that ground that great expectations were formed from the next campaign: but, for his part, he expected, that whoever should succeed to the present gentlemen in command, would just meet with the fate of their predecessors; they would be one day charged with indolence, inactivity, and want of spirit; with a designed procrastination of the war, from motives of lucre and private interest; and the next, with Quixotism, knight-errantry, and exceeding the instructions under which they were to act. He turned again to the intended proposition of the noble lord in the blue ribbon, and assured his lordship, that if his plan was a fair, open one, founded in justice and good policy, and warranted by the principles of the constitution, he would venture to answer for his side of the House, that it would meet with their most hearty concurrence. He feared it would not answer this description; because he could hardly be persuaded, unless the idea of tyranny, cruelty, and meanness were inseparable, that the same men who had rejected the most humble petitions and dutiful remonstrances with haughtiness and contempt, could ever consent to hold out any plan which was meant to secure those rights which they had all along attempted to annihilate by the sword, thereby adding tyranny and cruelty to oppression and injustice. He then read his several Resolutions, which amounted to 12 in number; that there was such a number of troops in America in 1774, so many sent in 1775, total of that year, and so on with 1776 and

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1777, which ought, on the whole, in the latter year to have amounted to 48,000 effective men and a fraction; that by the last returns, foreigners and British included, did not amount to more than 28,000, consequently the loss was 20,000 men. Whence he drew this conclusion, that if with such a number of troops so little could be done, it was clear, that the carrying on the war, either to terrify the Americans into obedience, or to subdue them, was impracticable. His first Resolution moved was; "That it appears to this Committee, that in the year 1774, the whole of the land forces serving in North America did not amount to more than 6,864 effective men, officers included."

Lord *Barrington* said, he highly disapproved of the motion, as improper and ill-timed; but when he knew some of the hon. gentleman's proposed resolutions were not founded in fact, he had no difficulty in giving them a direct negative. The hon. gentleman stated, that 20,000 men had been lost already in this war; this, he contended, was founded in gross error, for, by the returns which he had in his hand, it plainly appeared, that instead of 20,000 men being lost, the whole amount of the killed, in the course of the three years war, was no more than 1,200. He did not mean to include in that number those who died natural deaths, or deserted, or were made prisoners, or were unfit for service through wounds or sickness, but such only as were slain in battle. If, therefore, the resolution concerning the loss of men was to go out into the world, it would convey a very false idea, and looking on it in that light, he should give it his hearty negative.

Mr. *Grenville*, in an animated speech, condemned the conduct of the American war. He acknowledged, that he always thought, and should ever continue to think, be the event of the present contest what it might, that parliament had a right to have a controul over America; to levy taxes, to regulate its trade, and secure the monopoly of its commerce. The establishing and maintaining of colonies would be folly, were it otherwise; the protecting them, when they were not able to protect and defend themselves, at a very great expence, which has ever been, and always must be the case, from the nature of such establishments, would not be folly, but madness in the extreme, if, when they arrived at a state of strength and maturity, to be no longer in want of our aid, they were to be at liberty entirely to throw off all dependence, and disclaim all connection with the parent-state, and, by so doing, establish their own greatness on the ruin of the mother-country. It was upon these principles that he had supported the war, in which he had but one object, revenue. These principles were now become merely matter of speculation; such as they were, however, he should ever retain them: he therefore did not mean by his vote of that day to abandon them; but to consider the question of expediency, which must decide upon the war. He deplored the disgrace brought, not upon our arms but on our counsels, by the rash undigested expedition from Canada. He lamented the little protection given to our commerce, the weight of insurance, the state of our public credit; to these circumstances he must yield; but he hoped the day of retribution would come, when ministers might be called to a severe account for the infamy which they have brought upon this country, by their conduct of a war, into which they had deceived the country, by promises of a revenue which they now abandoned.

He observed, that the noble lord at the head of the Treasury had informed the House, that he would, in a few days, propose to its consideration a plan of conciliation. He sincerely wished it might succeed; but he had every reason in the world to believe it would not. A previous confidence between the parties was the very basis of every species of treaty-making. The noble lord himself would not venture to say, that was the case between ministers and the present governing powers in America. It was well known, that every possible occasion had been given by the present administration, to fix in the breasts of the people of America, and their leaders, the most rooted hatred and inveterate rancour. Under such circumstances of disappointment and disgrace on one side, and such provocations on the other, he would appeal to the candour of those whose dispositions might carry them to the greatest lengths, in point of expectation, whether there was the most distant prospect of any good arising from a treaty, when conducted by men on the part of Great Britain, who were execrated from one end of the North American continent to the other—men, whose best and sincerest intentions would be only interpreted as lures to ensnare and betray. He was ready to give the noble lord all possible credit for his candour; but

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whatever his intentions may be, he feared that the effect of his proposed plan, partly from the reasons just mentioned, and partly from the nature of the plan itself, would be, not to be accepted of by America; which would furnish ministers with an apology to try the experiment of one more fatal and disgraceful campaign; after which, he would venture to predict, that all further attempts to subdue, or treat with America, would be at an end, and that country irretrievably lost for ever to this.

He concluded in nearly the following words: The moment is critical. I do not think, notwithstanding all that has happened, but the colonies may, by proper measures, be yet brought back to a state of constitutional obedience; and that we may once more recover their affections. If there be a man, who has served this nation with honour to himself, and glory to his country; if there be a man, who has carried the arms of Great Britain triumphant to every quarter of the globe, and that beyond the most sanguine expectations of the people; if there be a man of whom the House of Bourbon stands more peculiarly in awe; if there be a man in this country, who unites the confidence of England and America, is not he the proper person to treat with America, and not those who have uniformly deceived or oppressed them? There is not one present, who is ignorant of the person to whom I allude. You all know that I mean a noble and near relation: [lord Chatham.] He is the man whom his Majesty ought to call to his councils, because the Americans revere him, and the unbiassed part of the nation would most cheerfully trust their dearest interests with him. I know the little paltry insinuations which may be thrown out against the language I now hold; and can only say, that I despise them as much as I shall do any man capable of using them: and knowing that there is not the man nor the object in this country capable of making me cross that board against my opinion, I trust that this House will at least give me credit for the sincerity with which I deliver it; and if it shall be found, that it is to him to whom the nation looks forward for its salvation, it is a duty which I am bold to say his Majesty owes to his people, to avail himself of such respectable assistance.

Lord *North* said, as he never meant to negociate away the rights of this country, to procure himself any temporary convenience, so he never wished to encroach on those of America. His own private opinion had never varied: but if his proposition should not meet with the approbation of the majority of that House, or if it should undergo any alteration, in either event, he would gladly acquiesce. As to the favourable disposition of America towards individuals or parties in that or the other House, by every thing that had yet appeared, all men and all parties seemed equally obnoxious to them; and whenever propositions came to be made, he was inclined to believe the object of the colonies would not be, who it was that made them, but whether they were such as answered their own expectations. For his part, he was ready and willing to resign the disagreeable task to whoever was thought better qualified, and was contented to accept of it. He wished as sincerely for pacification as any person in either House; and so the end was obtained, it was a matter of no consequence to him by whom, or in what manner it was obtained. He then spoke to the question, and was against the motion, saying, that even though he had approved of the purport of the motion, he could not agree to it while there remained so great a difference in the calculation, between the hon. gentleman who made it, and the noble lord from whose particular office the papers came. If, therefore, the motion was not withdrawn till the difference in calculation, which was in the proportion of sixteen to one, was reconciled, he should move to report progress.

Mr. *Burke* remarked, that the sentiments and promises of the minister, were constantly in a state of contradiction to each other, in respect of every matter relative to the American war.

Lord *Ongley* was against the motion, and declared himself to be against any measure of accommodation, short of compelling America to acknowledge the supreme right of parliament.

Sir *Richard Sutton* spoke to the same purport, and expressed his disapprobation of the resolution, as only tending to encourage our rebellious subjects in America to refuse every reasonable plan of accommodation which ministers might think proper to offer them.

Lord *Nugent* was against the resolution. He was satisfied that ministers had pursued the best measures, though they had unhappily failed. As there was so immense a difference between the accounts of the two hon. gentlemen, he could not

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see, till that was settled, how it was possible for the debate to be continued. He disapproved of this enquiry from the beginning; and experience had taught him, that a multiplicity of papers served not to inform but to perplex; and related the following anecdote, in proof of his general assertion. The late king, soon after his accession, told sir Robert Walpole, that he would himself see all papers of confidence, before any measures were taken upon them. Sir Robert was alarmed, and went to consult his brother Horace, what was best to be done. Horace, seeing him so uneasy, laughed, and advised him to give the king more than he asked; "Give him all the papers, and I dare say, he will soon have enough of them." Sir Robert took his advice, and carried him a cart full, telling his Majesty, that he had paid several extra clerks, to assist in getting more ready; and informed him further, that he believed, when the whole were copied, they would fill five carts more. The king told him, he need not get any more ready till he heard his further directions on the subject; the consequence of which was, that sir Robert never heard a syllable more of papers from his majesty as long as he remained in office. His lordship concluded with moving, that the chairman report progress.

Mr. *T. Townshend* replied, that the hon. gentleman's twelve resolutions did not amount to twelve cart-loads, nor did all the papers called for; but if the noble lord who controverted the truth of some of the resolutions sent in papers of a different complexion to those he spoke from himself, and which he held in his hand, it was no wonder there were mistakes in the calculations, and just such mistakes, too, as the noble lord pleased.

Colonel *Barré*, after maintaining the truth of the resolutions, observed on the proposition promised by the noble lord in the blue ribbon, that he expected no good from it, as the conduct of ministers had, from the first of the American business, been shuffling, both to this country and the colonies.

Mr. *Fox* insisted that 20,000 men had been lost, at least the greater part of them, to this country, though they were not all slain in battle; and he defied the noble lord to prove where 6,000 of them, including prisoners or sick, were to be had; for that by the last returns the British and foreign troops amounted to no more than 28,000, though we paid for 48,000 men.

General *Conway* said, if his hon. friend had been mistaken, it must be because he was led astray by the manner the papers were made out. This, however, could not affect the truth of his other resolutions, though he had been mistaken in one or two; but he was convinced that every one of them was substantially correct.

The House divided on the motion that the Chairman report progress, and ask leave to sit again, Ayes 263, Noes 149.

Debate in the Commons on the Navy Estimates.] Feb. 13. In the Committee of Supply,

Mr. *Buller* moved, That 781,911*l.* be granted for the ordinary and extraordinary services of the navy for 1778. With respect to the estimates of both these services, he said, that they did not differ very materially from the grants of preceding years.

Mr. *Temple Luttrell* remarked, that a noble lord (Mulgrave) had, on a former day, accused him of using too severe a language towards a noble earl at the head of the navy department. This he disavowed; he had, indeed, charged that person with dangerous and gross errors in his public capacity; and he held it incumbent on him to support such an attack by very substantial proofs, which he was now ready to undertake; he had been also allowed the last official returns of the squadron of Jamaica, "lest, as was thrown out, by a formal opposition to his request, he might presume the motion made by him was of some material consequence." He had, at the same time, been told, with a contemptuous sneer, "that he might go home with what glee he was master of, fully persuaded that the British navy was not in the bad state he had flattered himself to be the case." For his part, he could never admit, that, in a house of parliament, the importance of any public question was to be adjudged from the individual weight of the member who suggested it; in that House all members were equal; and from whatever quarter a motion might originate, it ought to stand or fall by its own intrinsic merits; neither did he, by any means, rejoice in the calamitous state of the British fleet; he thought he had given the strongest and clearest demonstration of his earnest wishes to have the navy restored to its former flourishing condition. He denied that the estimates were materially the same as in other years: the extraordinary sum total

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exceeding any of former times by 50,000*l.* and the ordinary repairs, wear and tear, &c. of ships out of commission, when there are only about fourscore on that list, came to as much as was charged on 250 ships and vessels of the like description, before the American war broke out, being little short of 170,000*l.*

Mr. *Welbore Ellis* assured the hon. gentleman he had been much misinformed; that he rather commended than blamed his zeal for urging an enquiry into the large sums granted for the uses of the navy; he confessed that, in general, they met with too little regard from the members of that House; but he could venture to assure the hon. gentleman, that he had been much misinformed as to the mal-application of the liberal grants of parliament for that most essential object. He had been long well acquainted with the navy department, and had been honoured, more than once, with a post of rank and confidence in that line; he had not observed any gross abuses in those who presided over it, and hoped the navy was in a much better situation than the hon. gentleman had surmised, and would so be found when the day of trial should come. There must, of course, be vast grants for so extensive a department, especially for building, rebuilding, and repairs, immediately after the close of such a war as the last, when the ships were in a great measure worn out, and must be replaced with new ones, and therefore, for a few years of the peace immediately following, the estimates would be higher than in subsequent times. As to the article of the monies granted for the navy, the Admiralty board could only be made accountable for such sums as they actually drew out of the Treasury, and not for all the sums which were voted by parliament upon estimates stated to be for that service. He did not wonder at gentlemen being surprized at the magnitude of sums demanded for repairs, but attributed the necessity of such demands to the badness of timber with which many of our new ships had been built, but he hoped the quantity of timber in our dock-yards would give time for the wood to be better seasoned, and fitter for service; a quantity, he said, never known in our dock-yards before the present first lord of the Admiralty came to the board.

Mr. *Temple Luttrell.* To the timber for ship-building and repairs, imported from abroad, I attribute much of the ruinous state of your ships of war. When the quality is found so very pernicious, the quantity can only be brought in argument to shew the magnitude of the mischief: it is this foreign timber which has, I fear, entailed rottenness on your fleet; and if the last fire in your dock yards had made a providential sweep of all your oak from Stetten, I believe it would have more than compensated for its destruction of other truly valuable articles. He thought the right hon. gentleman had argued much more forcibly against the present naval administration, than he had ever presumed to do, alledging, that the largest grants for the extraordinaries of the navy, were of course necessary for some few years immediately after the war. This maxim might, indeed, reasonably warrant the late Mr. Grenville, or lord Egmont, in applying to parliament for an advanced allowance on this head when they presided at the Admiralty; or might have justified that illustrious sea-officer, (lord Hawke) when he was at the head of the Board, had the extraordinaries then come up to the present enormous sum. The demand now made thereon was near half a million sterling, and far exceeded requisitions of the kind attempted by any of lord Sandwich's predecessors in office. The noble earl came to the head of the navy eight years after a profound peace. Including the present estimates, the House of Commons will have given that noble earl about 2,100,000*l.* for building, rebuilding, and repairing the ships and vessels of his Majesty's navy, that is, the mere hull, masts, and yards, over and above near 800,000*l.* for the keeping and preserving the hulls of his Majesty's ships out of commission, and above 600,000*l.* for extra-stores, exclusive of what was allowed by the nation to replenish the stores consumed by the fire at Portsmouth dock-yard, and exclusive of sundry considerable demands for timber, &c. set forth in the navy-debt. More money had therefore been granted by the nation to the noble earl by this country, on the extraordinary estimate alone, than would have built from the stocks, rigged and completely equipped for sea, (independent of navy-ordnance, which is a distinct and weighty charge in the public accounts) 100 men of war. And what is the actual condition of your ships at present? Of the whole navy of Great Britain, not more, at the utmost, than fifty of the line of battle, can possibly be found fit for sea, in case of a foreign war, without such re-

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pairs as would require the labour of many months, and a very large expence. Lord Hawke, when he resigned his office, left 80 of the line in good condition, of which 59 were fully manned for war.—Mr. Luttrell then examined the list of men of war of the line now given in to be repaired, and remarked, that the following ships had already been allowed more money for repairs than would have built them new from the keel at the most extravagant cost, viz. Namur, within the four last years, 39,335*l.* and 6,635*l.* for her stores. The Defence, 29,500*l.* The Arrogant, 26,500*l.* He should sit down, after stating the estimates for repairing the Dragon of 74 guns, and which had more than once been reported to the House as actually taken in hand. The Admiralty, in 1771, came to parliament for 5,000*l.* to repair the Dragon: in 1772, for 7,000*l.* more; in 1773, for 4,000*l.*; in 1774, 4,000*l*; in 1775, 7,000*l.* in all 27,000*l.* besides 10,273*l.* for her stores. Now, does, or does not, that very ship still remain untouched, in a most rotten state, above Portsmouth harbour, and without having had any of those sums allowed for her repair by parliament, expended on her from the time of the first grant, in 1771, to the present day?

Lord *Mulgrave* admitted the hon. gentleman's charge, and agreed, that not one shilling had been laid out in repairing those ships, but said the money was applied to other naval purposes, and not put into a bag by the first lord of the Admiralty, or into his pocket; that the estimate was the usual mode of raising money, but was never meant to state the purposes the money was to be applied to; that if it was a crime, it was one that had been often practised ever since the reign of James 2.

Mr. *Temple Luttrell* had never said, nor insinuated, that the noble earl put into a bag for his private use, the monies thus voted: he therefore requested, that, whenever the noble lord did him the honour to quote his words, or comment upon his ideas, he would do it ingenuously and faithfully: that there had been unpardonable extravagance somewhere, under a pretence of naval services, he was certain; and the fleet was in an alarming state of decay. Perhaps the first lord of the Admiralty thought it the best policy to endeavour to mask this weakness, and boldly assert the direct contrary to facts, in hopes of deceiving the courts of Versailles and Madrid: but surely he is too well acquainted with the correctness of the intelligence of those powers, on such an important subject as this, to flatter himself that his impositions will have any success beyond the British Channel. As to the custom of ministers since the days of king James or king William, I could have wished the hon. member, before he went so far back in our history, to have read the Representation Address of this House, in 1711, to queen Anne, upon abuses exactly similar to these. They were set forth to her majesty as substantial grievances to her people, and atrocious crimes in the ministers so offending; and in her answer thereto, she promises them ample redress; which proves, that the money granted upon specific estimates must be applied to the purposes therein set forth, unless, upon proper official application, the parliament agree to a different appropriation thereof.*

Mr. *Burke* expressed his astonishment at what the Admiralty had dared to acknowledge: and, in the warmth of his indignation, threw the book of estimates at the Treasury bench; which, taking the candle in its way, had nearly struck Mr. Ellis's shins; Mr. Burke exclaiming, that it was treating the House with the utmost contempt, to present them with a fine gilt book of estimates, calculated to a farthing, for purposes to which the money granted was never meant to be applied. When former ministers had ventured to impose, they had the modesty to endeavour to conceal the crime; it remained for the present to have such confidence in their power, as to risk an acknowledgment of their prodigality, and to set at defiance the principles of the constitution, and the authority of parliament.

Governor *Johnstone* lamented, that the generosity of the people could not induce ministers to employ the money to the principal uses intended, that of keeping our ships in repair, and building our men of war with the best materials that can be procured.—The Resolution was then agreed to.

Debate in the Lords on General Gates's Letter to the Earl of Thanet respecting the Capture of General Burgoyne's Army, &c.] Feb. 16. The Earl of *Thanet* rose, and held out a Letter, which he said he had received from general Gates, and which he thought it his duty to communicate to their lordships.—The Letter was

* See Vol. 6, p. 1026.

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handed to the clerk at the table, who was preparing to read it, when

Viscount *Townshend* rose, and after declaring that general Gates had exalted his character exceedingly by his humane conduct respecting general Burgoyne, observed, that however high he might stand in their lordships' opinion, he surely was a very unfit person for that House to enter into a correspondence with; that he was, at the time of his writing the letter, at the head of a rebel army; that it would be a degradation of parliament to make such a letter the ground of a resolution; he therefore hoped the House would not suffer it to be read.

Earl *Gower* said, that, for what their lordships knew, the letter in question might be of a nature exceedingly improper for their lordships to hear: at any rate it was contrary to parliamentary form for the clerk to read it at the table.

The Duke of *Richmond* said, that the letter came from a man of great weight in America, and that it was ridiculous to refuse information, let it present itself in what shape it might.

The Duke of *Grafton* said, that the noble earl had merely begged the letter might be read by some other person, because he had a hoarseness, which he feared might prevent the House from hearing him.

The Marquis of *Rockingham* then took the letter, and read it to their lordships, as follows:

"My lord; Albany, Oct. 26, 1777.

"Presuming upon our former friendship, I take the liberty of addressing this letter to your lordship, general Burgoyne having assured me it shall be faithfully delivered. The very important event of this campaign, so far as it respects general Burgoyne and myself, will, by the unexaggerating voice of truth, be related to your lordship. For, what less can be said of it, than that the King's army, which left Canada in June, are all killed, taken, or have surrendered prisoners, under the convention of Saratoga? How this complete victory has been used, with respect to the behaviour of the conquerors to the vanquished, general Burgoyne and lord Petersham, as they are soldiers, and men of honour, will declare. But to the main design of my addressing this letter to your lordship.

"Born and educated in England, I cannot help feeling for the misfortunes brought upon my native country by the wickedness of that administration, who began, and have continued, this most unjust, impolitic, cruel and unnatural war. The dismemberment of the empire, the loss of commerce, of power and consequence amongst the nations, with the downfall of public credit, are but the beginning of those evils, that must inevitably be followed by a thousand more, unless timely prevented by some lenient hand, some great state physician, with the firmness, integrity and abilities of a Chatham, joined to the wisdom, virtue and justice of a Camden, aided and supported by such men as your lordship: men, as independent in their fortunes as unsullied in their honour, and who never bowed their heads to Baal. Such a man, so supported, may yet save the sinking state, by confirming that independency, which the people of this continent are resolved to part with, but when they leave this world. Such a man will do what all wise statesmen have done before him. He will be true to the welfare and interest of his country; and, by rescinding the resolutions passed to support that system which no power on earth can establish, he will endeavour to preserve so much of the empire, in prosperity and honour, as the circumstances of the times, and the mal-administration of those who ruled before him, have left to his government.

"The United States of America are willing to be the friends, but never will submit to be the slaves of the parent country. They are, by consanguinity, by commerce, by language, and by the affection which naturally springs from these, more attached to England than any other country under the sun. Therefore, spurn not the blessing which yet remains. Instantly withdraw your fleets and armies; cultivate the friendship and commerce of America. Thus, and thus only, can England hope to be great and happy. Seek that in a commercial alliance; seek it ere it be too late, for there only you must expect to find it.

"These, my lord, are the undisguised sentiments of a man that rejoices not in the blood shed in this fatal contest; of a man who glories in the name of an Englishman, and wishes to see peace and friendship between Great Britain and America, fixed upon the firmest foundation.

"Our friend, general Lee, has suffered a long and severe imprisonment; but the hour is at hand that forces general Howe to what he must for ever blush for not having done before. The pride, not the

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power, of the King's generals prevents me from being more particular as to the immediate situation of the man [general Lee] you so much regarded. I beg your lordship will present my affectionate compliments to Hall, and sir Charles Davers. With the greatest respect, I have the honour to be, &c. HORATIO GATES."

"To the Right Hon. the
Earl of Thanet."

The Duke of *Richmond* moved, "That general Gates's Letter do lie on the table."

The Earl of *Suffolk* said he was against the motion; the letter was from one private gentleman to another; the writer was neither an ambassador nor plenipotentiary, he had no public commission to offer terms of peace; on the contrary, he was an officer at the head of a rebel army, and at this moment in arms against his sovereign. Did the letter say that the Congress entertained similar sentiments with the writer of it? Did it convey any thing like a basis to erect a treaty on? The very terms vaguely mentioned in it were such as their lordships had repeatedly reprobated. The letter contained an insinuation that America was determined to preserve her independency. Ought the King's servants to accede to that position? Ought they to withdraw the army and the fleet, and to throw the nation at the feet of America? Another part of the letter deserved rather the contempt than the attention of the House. It was made up of invective against the present administration. Invective, which, notwithstanding the good stile of the letter, had been much more forcibly and elegantly expressed by noble lords in that House, and which would doubtless be repeated as long as the noble lords should continue out of place. The earl paid lord Rockingham great compliments on his candour, for having read, with so much distinctness and firmness of voice, that part of the letter which spoke so highly of lord Chatham.

The Marquis of *Rockingham* declared the noble earl had imputed that to his candour, which he did not feel ascribable to any such motive. He read the letter because he was anxious to give the House information, which the King's servants, on every occasion, wilfully withheld, and he was desirous of attending to general Gates's propositions, because he was determined to serve his country, by making peace at any rate.

Viscount *Weymouth* said it was improper for the letter to be laid upon the table.

The Duke of *Richmond* said, general Gates, from his situation, was of great weight in the eyes of America; that the only means of getting at the sense of a country was by hearing the sentiments of men of importance in that country; that to negative the motion was to pursue the old ruinous plan of shutting the ear to information, and continuing wilfully in error; and that general Gates's letter contained information respecting America, as well worthy the attention of the ministers, as the information which they had received from governors Bernard, and Hutchinson. He could, indeed, see one reason for the King's servants refusing to suffer the letter to remain on the table, and that was, the invective against administration which it contained. This invective was too true, and however the ministers might now treat it with contempt, a day would come when they must acknowledge its truth. The duke disclaimed any sinister motive for his conduct, and declared, that America would never make peace with the present administration; and, in reply to the sneer that those who opposed the measures of administration wanted their places, it was easy to retort, that those in office would adopt any measure, however injurious to their country, rather than give up their employments.

The *Lord Chancellor* asked their lordships if it could possibly be deemed right, to accept a letter which held out such terms as were not only exceedingly improper, but grossly insulting? What, acknowledge the independency of America, and withdraw our army and our fleet! Confess the superiority of America, and wait her mercy! He desired the House to consult their own feelings for an answer.

The Duke of *Manchester* contended for the motion. And said, that he wished his noble friends to acknowledge that power was one of their objects, and as he was convinced, if they had power, they would exert their abilities to save their country, he most earnestly hoped they would acquire it. For his part, he disclaimed every idea of preferment; he had been all his life connected with so many of the first families in the kingdom, that had he thought it worth while to solicit court favour, he certainly might have obtained it; he trusted, however, that no man supposed him influenced by so base, so mean a motive. There certainly had been a season for making an honourable and happy

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peace with America; that season he feared was now past. His grace mentioned the loss of the United Provinces by Spain, after forty years war, and ended with expressing his hopes that our unhappy quarrel with America was not to be equally prolonged, or to end so fatally to this country.

The Earl of *Bristol*, instead of speaking to the question, talked of the heavy burdens, and of the melancholy aspects of Great Britain. Transports had been hired at an immense expence. Ships of war might have transported the stores to America, and thus two thirds of the money expended might have been saved.

The Earl of *Sandwich* defended the state of the navy. The ships were well officered, and manned. At least in case of a war with France, a ship had been assigned for the noble lord, and that it might be presumed was very amply supplied.

The Earl of *Bristol* intreated to be excused. He was very willing to serve his country in the line of his profession. But God forbid that he should set his foot in the ship which had been assigned him, so wretchedly as it was at present manned.

The Earl of *Sandwich* wished that the commanders of the several ships in commission might be called to the bar of the House, and interrogated as to the manner in which their ships were manned. As to the motion, that the letter of general Gates should be laid on the table, he objected to it. The advice of general Gates was not to be taken, because he had displayed his ignorance of the sentiments of those very men, whom he had recommended as proper persons to succeed the present ministers. General Gates did not appear to know that the earl of Chatham had disclaimed the idea of American independence.

The Duke of *Grafton* said, the letter contained information. It was written by a leading man in America. There was no more impropriety in having a letter from general Gates called for by the House, than in having a letter written by governor Bernard, lie on the table. The papers which communicated the most information, were the papers which at this time should be sought after.

The motion was then negatived.

Debate in the Committee on the State of the Nation upon the Duke of Richmond's Motion respecting the State of the British Forces in America.] The House then went into a Committee on the State of the Nation.

The Duke of *Richmond* rose, and said a few words prefatory to the Resolutions he meant to offer, which, he declared, turned chiefly on these points: the state of the army, and number of effective men in America in 1774, 1775, 1776, and 1777, with the services and events of each campaign, as appeared from the papers referred to the consideration of the committee. His grace gave his reasons for adopting a different mode of conduct from that which he had followed on a preceding occasion, and therefore only read his first Resolution, which was as follows: "That it appears to this Committee, so far as they are informed from the Returns upon the table, that the greatest number of Land Forces serving in North America, in 1774, consisted of 6,920 effective men, including officers."

Viscount *Weymouth* rose to object to the expediency and propriety of the committee coming to any resolutions of truths which were sufficiently obvious, just at that time; and concluded with declaring, that as the same arguments which had been used at the last meeting of the committee, applied to the present question, he would not trouble their lordships with a repetition of them, but, as the most *gentle* method of disposing of the resolution, would move that the chairman quit the chair.

The Duke of *Grafton* complained exceedingly of the lords in office adopting so short a method of preventing the ascertainment of truth, and refusing to afford the nation an opportunity of acquiring the most certain knowledge of the state of their affairs; it was to no purpose to continue the enquiry, if the steps which it pointed out, as proper to be taken in consequence of it, were not pursued: that the reasons for the committee's refusing to come to resolutions of fact, were frivolous: that the idea of preventing foreign nations from getting at the knowledge of our true situation, was absurd in the extreme: that the courts of France and Spain had much better information than could be collected from the papers upon the table: that the only people ignorant of the facts which the present inquiry was entered upon with a view of establishing, were the people of England, from whom administration withheld every species of information, and by thus keeping them ignorant of their real situation, deluded them into an acquies-

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cence with every measure taken respecting America. His grace declared, that it would be acting a more manly part for ministers to say at once they disliked the enquiry, and break up the committee, than thus insidiously to deceive the public, by letting an idea prevail that they wished to give every information that was asked for, and that they countenanced the enquiry, when, in fact, they were resolved to negative every resolution moved in consequence of it, and thus in an underhand manner effectually to check its progress, and render it useless and unserviceable. From the noble viscount's rising to speak to the question, he had hopes of hearing from him something relative to the pacific intentions of the courts of France and Spain, and the probability of our not having a war to sustain, at this critical period, against the House of Bourbon. The noble viscount had formerly stood up, and given the House information on that head: such information would now be particularly welcome. After enlarging on our present situation, and the additional embarrassment which a war with France would occasion, his grace concluded with urging their lordships to admit the noble duke's resolution, and not act so inconsistently as to declare they approved the enquiry, when they were taking every possible method of defeating its purpose.

Viscount *Weymouth* expressed his surprize that the noble duke should introduce a subject so foreign from the question as a war with France, and a wish that he would give their lordships information relative to the probability of such an event. It was true he had a year ago assured their lordships of the pacific professions of the court of Versailles; he could now do the same; nothing could be more pacific than the professions of that court at this time; he would not, however, hold himself answerable to be called upon, should a war happen to break out shortly. What he stated was a fact, but that minister would, in his opinion, act very unwisely, who should so far rely on mere professions, as not to prepare for the defence of the kingdom, at a time when any of the continental powers were busy in military preparation, much more when France was arming herself. With regard to the resolution, he declared he could not see the utility of the committee's coming to any resolution at present: that in fact it was not their business so to do; that they were to proceed regularly with the enquiry, and after having gone through it progressively, and adverted to every distinct object of it, were to form some general conclusion deduced from and grounded upon the result of the whole investigation.

Lord *Camden* said it had at all times been the usage of parliament to form resolutions on matters of fact, which resolutions were considered as the data from which the conclusions were to be drawn; and finally to be the ground of the measures meant to be proposed, in consequence of such information. The present mode of putting a negative on every resolution proposed, was in fact pretending to give information, but refusing the use of that information; for when every fact was established, and the whole enquiry at an end, and the grand conclusions relative to future measures came to be made, where were the facts on which the House was to proceed? On the Journals, negatived by the previous question, which in so many words imported, that as it was not proper to resolve the facts, of course it must be improper to agree to the conclusions. The argument was obvious and incontrovertible. This, then, fairly amounted to a premature dissolution of the committee; and, for his part, if administration were determined to adhere to the same conduct throughout the future progress of the enquiry, he thought it would be much better to dissolve it at once; than, by a mere outside shew of an enquiry, amuse the people without doors with high expectations, when it was finally resolved, by those who led the majorities of that House, that no one benefit should be derived from it.

This, he foresaw, was the intention of ministers, as soon as he understood that a noble lord in the other House, (lord North) gave notice, that he intended to move some plan, tending to peace and conciliation with America. It was pretty evident, from the conduct of ministers in this House, that they intended it from the first day the committee was formed; but the noble lord's proposing a plan of conciliation, in the other House, pending the enquiry, put that suspicion beyond a doubt. For what would be the real effect of such a proposition? But that, as soon as it was made, the enquiry, from that instant, would be at an end, at least in that House, and consequently in this. The noble lord, by what he could learn, meant to bring in what he intended to propose, by way of Bill; indeed, it could not be otherwise, as

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no minister dare offer any terms to America without the consent of parliament, because parliament had already, by the Prohibitory Bill, chalked out the specific manner in which government was to treat. What, then, was the enquiry to do? Why, to produce information to that House, in order to ground measures upon; while a Bill, in its several stages, was going through the same House, fixing the terms, and directing the mode in which we were to treat. The idea was to the last degree preposterous and absurd: apply the same mode of reasoning to this House. A Bill is passing the other House, which is to come here for our approbation, while we are actually engaged in an enquiry, which is intended to lay a foundation for measures of conciliation. The truth was, that ministers were in a panic, when they first consented to the enquiry; they had since recovered their wonted confidence. The state of things was too critical, and the nation too much alarmed, for ministers to continue to treat the public in the lofty, contemptuous manner they had hitherto uniformly done. The enquiry must go on, or some substitute, to prevent a clamour without doors, must be adopted in its stead. The idea was ingenious, and well worthy of those who contrived it. Plans of conciliation are held out, or intended; plans perhaps very different in their nature, cannot, at the same time, by the same parliament, be adopted; one must be thrown aside: ministers carry their point; the enquiry is thus strangled in its birth, and the affairs of the nation are of course trusted to the conduct of the same ministers for another year, and the worst that can happen is, that they shall have failed in their last attempt as they did in all the preceding.

He augured ill, as soon as he heard of what was intended; he foresaw clearly, that the committee would be short-lived; that it would meet with a sudden and immature death; that it would be strangled in its birth, by the minister and his mutes. Will the noble lord in the other House, after assuring it, that Great Britain would never relax, till America was at her feet, tell his friends there, that America must be treated with; that all the obnoxious Acts must be repealed? After so frequently assuring the country gentlemen that a revenue, and a substantial revenue, was to be drawn from the colonies; will he inform them of the melancholy tidings, that all thoughts of taxing our colonies are now relinquished? After the high-sounding terms of the supremacy of parliament; of the inalienable rights of the British legislature, to compel America to unconditional submission; will he acquaint them, that that country is to be treated with as an independent state? After spending upwards of 25 millions, and after the loss of 20,000 lives, will he fairly confess, that both were thrown away; and, in return for the numerous evils he has heaped on this country, will he confine his apology to a single word; that he had been deceived, or misled? There were but two methods of treating with the colonies; that adopted, of holding out pardons, which had already failed; the other by Bill, containing parliamentary powers, to agree to specific terms. Suppose that it should answer the purpose it was intended to effect, it would be but acknowledging, at least in the first instance, the independency of America. His lordship next observed, that the colonies had solemnly declared themselves independent, and adhered strenuously to that declaration, when their affairs were at the lowest ebb. Would any noble lord in administration, now pretend even to hint, after the flourishing state of their affairs, in the moment of victory, and elated with success as they were; that they would consent to treat on more favourable terms? No, most certainly not; so that it was clear, whatever pretended appearance of parliamentary supremacy might be kept up, those very ministers, who had all along contended for unconditional submission, and supremacy, in its fullest extent, were now proposing a treaty, the very basis of which was to be an acknowledgment of American independency.

He lamented the fatal counsels which had brought this nation into its present alarming situation; and the supineness of the people, in suffering themselves to be governed by such weak and destructive measures. To be told at one time, that a few thousand men would look America into submission; again, that the resistance proceeded only from the ambitious views of a few individuals; and that a force sufficient to free the people from the tyranny of their leaders, would immediately put an end to the revolt; and finally, when they failed in all their predictions and promises, relative to the degree and extent of the resistance, and the disposition of the people there, then, that it would be necessary to exert the full force of this country, to compel them to a full acknowledgment of the

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high-sounding terms and big words of the supreme rights of parliament, and unconditional submission: yet two campaigns have since passed; the whole strength of this country has been exerted; and what has been the consequence? A proposition from those who promised every thing, and effected nothing; confessing that we are unequal to the task; and that the only means left untried, is to offer to accede to what had been so often said we never would consent to, while we had a man to fight, or a shilling to spend.

If the plan intended, proved a good one, he sincerely wished it success. The minister acted right, to accommodate himself. His dreams of conquest, revenue, &c. were at an end. There was a time, and not long since, when he might have succeeded. That moment was, he had every reason to believe, passed away, never to be recovered. If, when a noble lord, now absent from his place (lord Chatham) proposed the measure of withdrawing the troops before the recess, it had been accepted of, probably such a measure would have succeeded: it was now too late. Ministers were warned, in the most plain and specific language, of the danger of rejecting that noble lord's proposition. They were told, that something, which in its nature might sever the colonies for ever from the parent state, was then in contemplation; that instead of America, or France separate, we might have America, with the whole united force of Bourbon, to contend with. What was the conduct of ministers? They moved and carried an adjournment, on the 11th of December, to the 20th of January, a recess of six weeks, at so awful and important a crisis; they abandoned the interests of the nation to chance; and now, at the end of more than two months, when it was too late, came with a proposition to parliament. What he now said, was not the effect of mere idle surmise or conjecture. He had, within a few days, seen the extract of a letter from Dr. Franklin. He did not himself correspond with that gentleman, (though on any other subject, but the melancholy one alluded to, he should esteem his correspondence the highest honour) in which he said, that a proposition tending to peace, would have been accepted by America, at the period alluded to, but, that it was then too late. He understood, that this was further authenticated by accounts received, which he feared were too true, that America had entered into an alliance with France; and that any prospect of peace or reconciliation was entirely vanished. If the minister knew this, and knowing it, looked to the consequences, which must inevitably be a French war, his proposition would be a mockery of the nation, whom he had all along misled; and if such a farce should be discovered, woe to them who had acted in it! for, however slow the people were to avenge the insults and injuries put upon them, he ventured to affirm, that it would end fatally to its authors and contrivers. It was criminal to heap every species of accumulated ruin on the nation; but, it would be insolent and cruel to aggravate their miseries, by so gross and barefaced a deception. He concluded with recommending to ministers, that whatever was done might be speedily done; the moment was critical and decisive, in any event; he feared, it was too late; but whether or not, the chance of success could only arise from expedition.

The *Lord Chancellor* begged to call their lordships' attention back to the motion before them, agreeing with the learned law lord that it was always customary for committees to agree to resolutions of fact, but asserting, that the conclusion meant to be deduced from these facts ought to be opened to the committee, previous to their entering into any resolution. The noble duke's intention, his lordship declared, was altogether a secret to the committee as yet, but if he could guess at all from what had fallen from the lords who had spoken in favour of the resolution, the proposition that his grace meant to offer to their lordships' consideration, was somewhat similar to the proposition in general Gates's Letter;-in which their lordships were advised to withdraw their fleets and armies, and then to let America make her own terms. His lordship declared, he should vote for the chairman's leaving the chair.

The Duke of *Richmond*, with regard to the learned law lord, who spoke last, guessing at the conclusion he meant to draw from the various resolutions which he had moved, and might, in the progress of the enquiry, move, said, the learned lord was certainly at liberty to guess as much as he pleased, but it would be rather extraordinary if he hit upon the conclusion that would be offered, because he really had it not yet in his head what conclusion to form, nor could he possibly ascertain it till he had gone through the whole enquiry, and had established the various facts on which the ultimate conclusion

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must necessarily be grounded. Thus far, however, he would tell the committee, the object of enquiry was peace, the mode of attempting to effect which, could not be determined upon till their lordships knew the real state of public affairs, the power of the nation to continue the war, the probability of its success, and how far we were able to resist an attack from the House of Bourbon, should any be made. His grace declared, he did not believe we should soon be precipitated into a war with France, adding, that he neither rested his belief on the wisdom of administration, nor on our ability to resist an attack; but that he relied on the French king and the French cabinet, who, he well knew, were exceedingly averse to war. He could not, however, answer for accidents or incidental occurrences, which might force France to commence hostilities. There was at this time a difficulty between our court and that of Versailles; France formerly took all her tobacco (which is a necessary article of consumption, and a great object of revenue in that kingdom) from us. We were no longer able to supply her, and she had declared that she must procure tobacco from America, whom she was under the necessity of trading with as an independent state. This, his grace said, was a difficulty, and how the British ministry would get over it, he knew not.

Upon the motion being put, for lord Scarsdale to leave the chair, the committee divided; Contents 66. Non Contents 26.

The duke of Richmond's other Resolutions were, 2. "That it appears to this House, that the greatest number of regular land forces serving in North America, in 1775, consisted of 11,219 effective men, including officers. 3. That the operations and events in North America, during the campaign of 1775, consisted chiefly in taking from his Majesty, by the provincial forces, the forts on the frontiers of Canada, the reduction by the said forces of the whole province of Canada, except the city of Quebec, some severe actions in the neighbourhood of Boston in New-England, and the blockade of his Majesty's army in that city by the provincial forces. 4. That as far as they are informed from the returns, the greatest number of regular land forces serving in North America, in 1776, consisted of 45,865 men, officers included. 5. That the operations and events in North America, during the campaign of 1776, consisted chiefly in a considerably advantage gained over the provincial forces in an engagement in Long Island, the reduction of Staten Island, Long Island, and of the city and island of New York, all within the province of New York; of the island of Rhode Island, within the province of Rhode Island, and a possession of part of the Jerseys, all by his Majesty's arms, under general sir William Howe; the repulse of an assault on Quebec, under generals Montgomery and Arnold; the raising the siege and the blockade of that city, and the recovery of Canada, together with the destruction of the American fleet on Lake Champlain, by his Majesty's forces under general sir Guy Carleton; the evacuation of the city of Boston by his Majesty's forces; the failure of the expedition of the said forces under sir Peter Parker and general Clinton, against Charles Town, in South Carolina, and the breaking into the cantonments of his Majesty's army in the Jerseys by the provincial troops under general Washington. 6. That from the returns it appears, the greatest number of land forces serving in North America, in 1777, consisted of 48,616 men, including officers. 7. That the operations and events in North America, during the campaign of 1777, were chiefly —on the southward—the total evacuation of the Jerseys by his Majesty's forces; the invasion of the province of Pensylvania by the said forces under sir W. Howe; his success in two considerable engagements with the continental army under Mr. Washington; the occupation of the city of Philadelphia by his Majesty's forces; general Washington taking post within 14 miles of Philadelphia; sir W. Howe's movement of his army to dislodge general Washington; and on finding the enemy's position unattackable, his retreat to Philadelphia, where he remains entrenched for winter quarters. To the northward they consisted chiefly in an unsuccessful attack of his Majesty's forces, under colonel St. Leger, on Fort Stanwix; the taking Ticonderoga (since evacuated) by his Majesty's forces under lieut. general Burgoyne; several severe engagements, with various success, and the final loss of the whole army under the said general, consisting of 7,000 regular troops, besides others; together with the loss of all his artillery, stores, baggage, and his whole camp. 8. That the total result of the operation of his Majesty's

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forces, and those of his allies, during the three campaigns of 1775, 1776, and 1777, towards the reduction of the revolted provinces in North America, consisted in the taking the cities of New York and Philadelphia; together with Staten Island, Long Island, and Rhode Island; and that there still remains to be reduced the entire provinces of New Hampshire, Massachuset's Bay, and Connecticut; all the continental parts of Rhode Island and New York, the whole of the provinces of the East and West Jersey, the province of Pennsylvania (except the environs of Philadelphia) the counties on Delaware, the entire provinces of Maryland, Virginia, North Carolina, South Carolina, and Georgia. 9. That the number of his Majesty's land forces in all North America, under the several commanders at Philadelphia, New York, Rhode Island, and Canada, according to the latest returns, consisted of 36,731 men, including officers. 10. That it will require a reinforcement of 11,885 men, of old troops, to make the present army in North America, consisting of 36,731 men, equal to what it was in the course of the last campaign, when it consisted of 48,616 regular old troops. 11. That of the 36,731 men, which constituted the several armies in North America, according to the latest returns, there were at the same time 4,639 men sick. 12. That the number of land forces in North America, on the 1st August, 1774, together with those that have been sent to America, from Great Britain or Ireland, since that period, to the 31st Dec. 1777, and those few corps that have been raised in America, amount to 61,648 men, and that deducting the present army of 36,731 men, there appears to be lost by death, desertion, captivity, or otherwise, 24,917 men: that there are 5,536 prisoners, which, when exchanged or returned, will reduce the loss of men in the land service to 19,381, to the end of the year 1777."

The Resolutions were all put, and negatived.

Debate in the Committee on the State of the Nation upon the Duke of Richmond's Resolutions respecting the Expences of the American War.] Feb. 19. The House went again into the Committee on the State of the Nation, lord Scarsdale in the chair.

The Duke of *Richmond* said, he must particularly intreat their lordships' indulgence, as the subject he was about to treat of that day was in its nature dry and unpleasant. That to look into their private accounts, he believed, was a matter which, however disagreeable it might be at all times, was on some occasions indispensably necessary, especially so when their lordships' stewards had ruined their estates. The nation, his grace said, was, in consequence of the war, rendered almost bankrupt; and although the enormous expence which had been incurred was past a remedy, it might yet be right to enquire by what means the ruin had been brought on, and to ascertain how far the stewards were to blame, in order to prevent the same stewards from continuing in office, and being entrusted in the conduct of those means which might offer themselves, as proper to be practised for the redemption of the public estate.

Having premised thus much, his grace proceeded to inform their lordships, that he meant to go into an investigation of the expences which the American war had cost the nation; and as he had heard that proposals for peace were agitating in the lower House of Parliament, he was particularly happy in having been able to prepare the subject for their lordships, as he thought it might essentially tend to direct the lords in office in the pursuit of their pacific purposes, and in the forwarding of those measures which he understood would shortly be submitted to the consideration of the House: respecting these motions, his grace declared, he should for the present reserve his sentiments, as he thought them too material and important to be spoken to upon hearsay, or the vague report of any particular expressions which might have fallen from any person in the course of conversation in another House of Parliament, but that he should pay every possible attention to the subject, when it was committed to paper, and was regularly before their lordships.

In order the better to ascertain the expences of the war, the duke said, he had taken the ratio of the public cost for four of the years when we enjoyed profound peace; and as we had not been burthened with expence on account of any foreign war, during the continuance of our war with America, he conceived that it was fair to ascribe to that alone every excess in point of public expenditure, which could be made appear to have taken place during that period, upon a comparison with the state of the public expenditure in time of

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profound peace. His grace, after informing their lordships, that a minute investigation of the various articles which formed the divisions and subdivisions under the great heads of public expence, would take up too much of their lordships' time, and, in fact, would swell his detail to a much larger size than it would be possible for their lordships, with their utmost attention, to comprehend at once, declared he should content himself with considering the standing expence of the nation at all times under the three great heads, namely, the army, the navy, and the ordnance, comprehending under each of these heads, the ordinaries and extraordinaries, the navy debt, &c. His grace then took out a manuscript sheet from some papers which he held in his hand, and stated from it to the House, the gross sums which the army, the navy, and the ordnance cost upon an average in times of peace; what they cost in 1775, and what in 1776. With respect to 1777, he was obliged, in some sort, to rely on calculation, as the increase of the navy debt was not yet reported to the lower House: but that in every matter relative to the enquiry which he had troubled their lordships about, he had taken the greatest care to state the number and value of each article considerably under the proper quantum and rate, and on the present occasion he had pursued the same rule, and so unwilling was he to mislead their lordships, that if any of the lords in office thought he erred in any one particular, he would readily give up his own sum, and let that which they declared to be the just one, take its place in the account. From the state of the year 1777, when the seamen voted were increased to 45,000, and there was a vote of credit for a million, the duke reported that the excess was 6,977,000*l.* With regard to the present year, he should take that up as to the number and expence of the seamen, upon the ground of the votes, and regulate each other article by an average of the expence of the year 1777, which he conceived their lordships would think at least a moderate calculation. The seamen voted for the service of the present year were 60,000; the increase of expence on which account, as well as the increase occasioned by the new levies of 16,000 men for the army now raising, added to the presumed amount of each of the other articles, together with a vote of credit of a million, which he supposed would take place as usual in time of war, this stated would increase the excess to nine millions. Adding together the amount of the excess of each of the four years, as stated above, the duke said the amount of the whole would be found to be 23,894,000*l.*

Besides which, his grace bid their lordships recollect, that if peace was so far forwarded, that the preliminaries were to be signed as that day, nevertheless there would remain a tail of expence which would amount to a considerable sum. In order to explain this, the duke referred to the accounts of the state expences for the four years following the close of the last war, from which it appeared, that the bringing the soldiers home from Germany, and other expences, swelled to the enormous sum of eleven millions. Were peace made with America, many and obvious would be the causes of expence. We had much farther to bring our army home than from Germany; transports, &c. would cost a great deal; and, add to this, the Hessian soldiers were not only to be paid for, as if in actual service, to the moment that they were delivered in Hesse proper, but a year's subsidy was to be paid that prince after his men had been so delivered. These, and a great variety of causes, would, the duke said, co-operate to create expence; and, as the tail of expence after the last war had amounted to eleven millions, he conceived he might fairly estimate the tail of expence which would follow our war with America at nine millions, which, added to the 23,894,000*l.* already incurred, would make the expence of the war, were it ended this day, near 33 millions.

His grace added, that every additional year it was continued, would at least cost nine additional millions; and after reasoning some time on the incapacity of the state to bear the burthen, said, he hoped, as the resolutions of fact which he meant to move would essentially serve the project of making peace, about to come under their lordships' considerations, as they would open the eyes of the public, and convince the people at large, of the necessity of putting an immediate end to the war, that they would not be opposed, and meet the fate of the others, which he had moved on prior occasions. His grace then moved, "That it appears to this committee, that the expences of the Navy, Army, and Ordnance, as voted by parliament, and taken on an average of years of profound peace, have not exceeded the sum of 3,371,000*l.*"

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The Earl of *Suffolk* said, in his opinion it was highly inexpedient to admit the resolution now urged, and he, for one, should certainly give it his negative. He could not at all agree to the doctrine, that resolutions being founded in fact, was any argument why they should be agreed to. There were many truths that might be easily ascertained to their lordships, which it would be extremely improper to declare, or give a parliamentary sanction to. He said, if he had foreseen the manner the committee was to be employed, he should have opposed it in the most direct manner. The noble duke had alluded to measures proposed in another House; and supposed, that the information brought forth in the committee would furnish ministers with a reason or apology for changing their plan. For his part, he was of opinion, that proposing to resolve matters of fact, declarative of our weakness, would operate in a manner directly the reverse, and render the plan of peace, which his grace seemed so desirous to accomplish, much more hazardous and difficult. The noble duke, though he had stated facts, had proved thereby nothing consequential; the decrease of commerce, loss by captures, fall of stocks, increase of expence, and loss of lives, which the noble duke had brought forward to surcharge the picture of our national distress, were not unusual; they were uniformly the concomitants of a state of war. But if he had no other objection to the resolutions but the uncertainty of the calculations, that would be sufficient to determine his vote on the present occasion. It was impossible yet to determine, what the extra expences of the army for 1777, would amount to. The account of the navy debt of the same year was not yet before the House, though the noble earl near him (lord Sandwich) computed it on memory to be 1,300,000*l*. The difficulty was still greater in respect of the extra services of the present year, which could not be estimated till the next year. So that if he had no other reason to oppose the resolutions, their want of certainty and accuracy, as to the sums specified, fully justified him in his intended motion, which was, "That the House be resumed."

The Duke of *Richmond* replied, that the noble earl need not have puzzled himself in search of arguments which, at the best, were but palliative. He might have spared himself the trouble to hunt for apologies for his present conduct, under the pretence, that assenting to the resolutions would be a public declaration of our national weakness; for the truth was, that our weakness was already known to every body but ourselves, and that long before the present committee was formed: but if a doubt remained, the moving the resolutions in the House, where they must stand recorded on our Journals, and from thence make their way to the public, as so many acknowledged facts by those very persons who put a negative upon them at once, annihilated the pretence of concealing either our present dangerous and defenceless state from our enemies, or the nation at large. It would be much more consonant, therefore, to the noble earl's candour, and that haughtiness and explicit tone affected by ministers, to declare, that the reason which induced them to put a negative on the matters of fact alluded to was, because those facts contained the most full and unequivocal proofs of their misconduct; and informed the nation, that its present ruinous and alarming situation was brought upon it by a set of ministers who had wantonly plunged it into an unjust and unnatural war; who had spilt its best blood, and already wasted 24 millions of its treasure; and now, after persisting in these weak and wicked measures for more than three years; after refusing so much as to hear of any terms, but such as would have rendered the colonies mere slaves, were now preparing to sue for peace, and make the most humiliating concessions. He remarked, it was no great discovery the noble earl had made, when he said, a state of war was attended with expence; the assertion was granted before it was made; but when the objects of war were considered, even with a foreign enemy, which implies a necessity, offensive and defensive; and was compared with the present, which was wantonly made on our own subjects, he was astonished how the noble lord could offer to amuse their lordships with a general assertion, every way inapplicable to the occasion and event. If we went to war even to obtain a just object, had we obtained it? No! We had spent every drop of blood, and every shilling, not barely to no purpose, but to the worst purposes. We had lost, in the first instance, one third of the empire; we had lost America.

His grace observed, that it behoved the country gentlemen to look to the melancholy situation they had brought themselves into, by the implicit confidence they

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reposed in such ministers, and that in pursuit of a mere trifle. In order to obtain a penny, they had risked a pound; both were lost, and now they had the comfort to reflect, that they had contracted for a debt of 33 millions, which was saddling themselves and their posterity with a perpetual land tax (for by the lands this burden must be ultimately borne) of 4*s.* in the pound.

The noble earl threatened a dissolution of the enquiry, on account of the improper manner in which it was conducted. Why did not his lordship, or some other of the King's servants, take a part in it? The committee was as open to them, as to any other noble lord. It was meant to be a general, not a partial enquiry. The very title of it imported so much. Did not an enquiry into the state of the nation invite every one of their lordships to contribute and take a share in it? For his part, if the noble earl wished to dissolve the committee, he had no personal reason, at least, to wish for its continuance. He had gone through as many heads as came properly within his knowledge, habit of life, or application. He hoped some other lords would take up the enquiry where he ended; and that, particularly, those papers on the table, relative to the navy, would be taken into consideration. As there was a Bill, however, now before the other House, containing a plan of conciliation with America, which must of course come before their lordships in the course of the ensuing week, he recommended to postpone further proceedings in the committee till that Bill should be disposed of.

The Earl of *Coventry* said, the great characteristic marks of national prosperity were population, riches, respect with foreign powers, the dignity of the crown, and union among ourselves. When any of these were confessedly wanting, it was a demonstrative proof, that, let the cause originate where it might, the nation did not enjoy that state of prosperity which was deemed desirable. When they were all wanting, it was no longer a doubt, but, besides radical causes, that the government of the country was placed in improper hands; particularly if the transition was sudden, from a state of the greatest and most justly envied prosperity, to one the most humiliating and degrading. If no probable cause of such a sudden transition was apparent, then the evils, of whatever magnitude or extent of effect, might be fairly laid at the door of those to whom the exercise of the executive powers of the state were intrusted.

His lordship then proceeded to consider the state of the nation under these several heads. In point of population, experience had proved beyond question, that our numbers were visibly on the decrease. The great load of debt, and the consequent difficulty of procuring a comfortable livelihood, from the enhanced price of the necessaries of life, had produced a spirit of emigration; he perceived the decrease of numbers in his own neighbourhood: he did not think it fair to draw conclusions from local effects, operating in this or that neighbourhood, or district; but, he said, he was fully justified, by the tardy and unsuccessful manner the recruiting service had been carried on, to maintain his proposition as a general one. Recruits were not to be had on almost any terms. Ministers said, the war was a popular war; it might be so: if it was, it afforded an additional proof of the truth of his assertion, that our numbers were on the decrease, which was one of the most certain indications of the decline of national prosperity.

Riches was the next test of the true state of any country. He heard a great deal of the opulence of individuals. He was daily a witness of the increasing luxury and dissipation of the times: but were those marks of national prosperity? He believed not. If individuals were rich, was not the state poor? Who could say where the property was, in which every man almost counted himself a partner? Was not a great part of this property ideal? Could those who were spending their fortunes in folly and debauchery, and either robbing the public or beggaring their own families, be said to be rich? Certainly not: and he even had many doubts, as to individual riches. He allowed, there were a great many persons, perhaps more than at any other period, who carried on considerable mercantile and other trading business: but was it because this or that man could write his name on a slip of paper for 3,000*l.* that such men were to be deemed rich? By no means. It shewed no more, than that our credit was immense; that our very inability to pay furnished us with the means of appearing opulent: but when it was considered, that more than a hundred millions of the standing property of the nation was ideal, and only due from ourselves to ourselves, that paper in other transactions was the chief medium of trade

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and commerce; we had every reason to believe, that not only the state was poor, but that even individuals were far from being opulent: and if we should continue to go on as we had for the last ten years; and, in consequence of such a career, we should be drove to rely solely on our real resources, instead of paper, he feared, so far from being an opulent, we should find ourselves a most indigent and distressed nation.

As to the dignity of the crown, and the personal ease of the sovereign, he had every reason to believe this would be found wanting. There was towards the close of the last session a very considerable sum of money granted to discharge the arrears of the Civil List, and a much more considerable augmentation made to his Majesty's income. He believed, that the money granted by parliament, served to relieve some persons about St. James's, and answered other purposes; but further the generosity of parliament neither appeared nor was felt; and thus the money intended for the fairest, most honourable, and noblest purposes, was employed to others of a very different and pernicious nature.

On national character, or the respect which we bore with foreign nations, that, he had every reason to believe, was still in a more marked contradiction to what was generally understood to denote national prosperity. The truth was, that we had been for some years insulted and contemned by almost every power in Europe, with whom we had any thing to do. The United Provinces, who were our ancient, and, in some respects, our natural allies, had not only refused us all aid, but had actually from the commencement of the present contest, given every assistance they could to our revolted subjects in America. Another great power on the continent, Prussia, had, on account of a state demand, due ever since the late inglorious peace, refused a passage to the foreign troops taken into our pay; by which the most favourite measures of our ministers, as far as that circumstance could be supposed to operate, were defeated. France, our natural rival and enemy, had carried on a trade with our colonies, and had supplied them with all kinds of military stores; by which particular assistance, more than any other circumstance whatever, our colonies had been enabled to resist the most vigorous exertions of the whole force of this country. If respect with foreign powers was an evidence of national prosperity, surely national prosperity was never at a lower ebb.

On the last point, that of union at home, he said he believed, since the first establishment of government in this country, it never was more disunited. The other causes operating so strongly, he said it was impossible it could be otherwise; and now he was free to declare, he saw no means of saving us from certain destruction, but taking the advice given by Manly in the play of the Provoked Husband, to his friend sir Francis Wronghead. In the midst of the knight's distress, he applies for advice to Manly, who tells him, "Sir Francis, the road which brought you here will lead you back to the place from which you set out." Now, said his lordship, I cannot help thinking that the wisest way for us to recover from the distress brought on this country by the fatal effects of the American war, is to tread back step by step every one motion we have made respecting it.

The question was put, that the chairman do leave the chair: Contents, 66: Non-contents, 28.

As soon as the House was resumed, the duke of Richmond moved the following Resolutions.

1. That it appears to this House, that the expences of the Navy, Army, and Ordnance, as voted by parliament, and taken on an average of years of profound peace, has not exceeded 3,371,000*l.* per annum, under the following heads:

Navy.	£.
16,000 seamen, at 52*l.* per ann. per man	832,000
Ordinary of the navy, upon an average, from 1764, to 1772, inclusive	410,000
Ship-building taken upon an average, from 1766, to 1770, inclusive	284,000
Annual increase of navy debt on 16,000 seamen, taken on an average of 1765, 1766, 1767, 1768, 1769	111,000
Total of Navy Expence	1,637,000
Army.	
Guards, garrisons, plantations, &c. about	1,000,000
Chelsea and half pay, &c.	230,000
Staff, widows, &c.	15,000
Extraordinaries of the army, on an average, from 1768, to 1775	269,000
Total of Army Expence	1,514,000
Ordnance.	
Ordinary	170,000
Extraordinary	50,000
Total of Ordnance Expence	220,000

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Army	1,514,000
Navy	1,637,000
Total of Establishment for Navy, Army, and Ordnance, on an average of years profound peace	3,371,000

2. That the expences of the Navy, Army, and Ordnance for the year 1775, exceeded the peace establishment, in a sum not less than 1,783,225*l.* under the following heads:

Navy.	
Seamen 18,000, at 52*l.* per ann. per man	936,000
Ordinary	414,680
Ship-building, and Greenwich hospital	303,379
Increase of Navy debt	812,479
Total of Navy Expence	2,496,538

Army.	
Guards and garrisons	627,689
Forces in the plantations	386,186
Difference of pay at Minorca and Gibraltar	2,874
Generals and staff	11,473
Chelsea hospital	122,221
Half-pay	105,326
Reduced horse-guards	870
Widows	628
Augmentation of 4,383 men, land forces	67,706
Difference of British and Irish pay for dragoons	9,536
Hanoverians voted 1776, for service of 1775	26,783
Extraordinaries voted 1776, incurred 1775	845,165
Total of Army Expence	2,206,457

Ordnance.	
Ordinary	228,059
Extra, voted 1776, incurred 1775	223,171
Total of Ordnance Expence	451,230
Army	2,206,457
Navy	2,496,538
Total Navy, Army, and Ordnance Expences	5,154,225
Deduct the peace establishment	3,371,000
The excess of expence in the year 1775, over and above the ordinary peace establishment, was	1,783,225

3. That the expences of the Navy, Army, and Ordnance for the year 1776, exceeded the peace establishment, in a sum not less than 6,133,582*l.* under the following heads:

Navy.	
Seamen, 21,000, at 52*l.* per ann. per man	1,456,000
Ordinary	426,904
Ship-building	339,151
Greenwich hospital	5,000
Increase of Navy debt	1,926,159
Total of Navy Expence	4,153,214

Army.	
Guards and garrisons	659,200
Forces in the plantations	723,132
Difference of British and Irish pay	42,530
Generals and staff	11,505
Chelsea hospital	107,512
Half-pay	97,575
Reduced horse-guards	850
Pensions to widows	608
Augmentation of land forces	89,063
Ditto	15,072
Ditto	80,984
Ditto	7,938
Ditto	137,448
Highlanders, 2 batt.	47,400
Hanoverians, 1776	46,838
Hessians	381,887
Ditto artillery	13,973
Ditto levy money	4,244
Hanau regiment	19,006
Artillery of ditto	3,383
Brunswickers	121,475
1 regiment of Waldeck	16,483
Extraordinaries incurred 1776, and voted 1777	1,200,602
Total of Army Expence	3,829,008

Ordnance.	
Ordinary	249,655
Extraordinaries	272,705
Total of Ordnance Expence	522,360
Vote of Credit	1,000,000
Navy	4,153,214
Army	3,829,008
Ordnance	522,360
Total Navy, Army, and Ordnance expence	9,504,582
Deduct the peace establishment	3,371,000
The excess of expence in 1776, over and above the ordinary peace establishment, was	6,133,582

4. That the expences of the Navy, Army, and Ordnance, for the year 1777, will exceed the peace establishment in a sum not less than 6,977,985*l.* under the following heads:

Navy.	
Seamen 45,000, at 52*l.* per ann. per man	2,340,000
Ordinary and Greenwich hospital	405,805
Ship-building	465,500
Total of Navy Expence (exclusive of navy debt)	3,211,305

Army.	
Guards and garrisons	648,009
Generals and staff	11,473
Forces in the plantations	949,720
Difference in British and Irish pay	47,178
Foreign troops	571,566
Artillery to ditto	31,205
Half-pay	94,371
Chelsea	105,279
Widows	370
Additional foreign troops	96,034
Old German claims	41,820

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Total of Army Expence (exclusive of extraordinaries)	2,597,025

ORDNANCE.

Ordinary	320,111
Extraordinary	300,483
Total of Ordnance	620,594
Part of Vote of Credit	793,300
Navy expence	3,211,305
Army	2,597,025
Ordnance	620,594
	7,222,224

The increase of the navy debt, and the extraordinaries of the army for this year, not being as yet laid before parliament, are not included in the above account. In the year 1776, when there were 17,000 seamen, and several thousand land forces less than in 1777, these two articles amounted to 3,126,761*l.* If in the present year they should not exceed that sum 3,126,761

The total expence for navy, army, and ordnance, will be	10,348,985
Deduct peace establishment	3,371,000
Excess of expence in the year 1777, over and above the ordinary peace establishment	6,977,985

5. That the expences of the Navy, Army, and Ordnance, for the year 1778, will exceed the peace establishment, in a sum not less than 4,860,268*l.* exclusive of navy debt, and extraordinaries of army and ordnance, and including those articles, in a sum not less than 9 millions.

NAVY.

60,000 seamen, at 52*l.* per ann. per man	3,120,000
Ordinary of the navy and Greenwich hospital	397,200
Ship-building	488,695
Total Navy Expence, (exclusive of navy debt)	4,005,895

ARMY.

Guards and garrisons	634,240
Forces in the plantations	960,843
Half-pay	90,939
Reduced horse-guards	712
Chelsea hospital	105,431
Widows	238
Generals and staff	11,473
Difference of British and Irish pay	52,923
Foreign troops	652,852
Artillery to foreign troops	27,379
Augmentation of 15,016 British forces	286,652
Ditto of 1,032 British land forces at Gibraltar	18,895
Total Army Expence, (exclusive of extraordinaries)	2,842,557

ORDNANCE.

Ordinary	382,816
Vote of Credit	1,000,000
Navy expence	4,005,895
Army	2,842,557
Ordnance	382,816
Total expence for navy, army and ordnance	8,231,268
From whence deducting the usual peace establishment	3,371,000
The excess already voted for 1778, is	4,860,268

In the above account is not included the navy debt, nor the extraordinaries of the army and ordnance; those three articles, in 1776, when there were 32,000 seamen, and upwards of 16,000 land forces less than in the present year, amounted to 3,339,307*l.* And as these expences generally increase in some degree of proportion with the number of men employed, it is probable they will, for the present year, amount to a sum not less than 4,200,000

Which will make the excess, for the year 1778, amount to	9,060,268

6. That from the experience of past times, that whenever peace shall be restored, great expences must necessarily be still incurred. That the charge of paying the troops till they can be brought home, and before they can be disbanded, and particularly the foreign troops, for some of which this nation is to pay even for 12 months after they are returned into their own country; the expence of re-conveying our army, artillery and stores, across the Atlantic, and sending the foreigners to Germany, and the arrears and demands of various sorts, will create an excess of expence in the years immediately following a peace, little short of what it will be in the last year of the war. From whence it appears, that if peace was this day restored, the cost of the present war would be as follows:

Excess in	1775	1,783,225
	1776	6,133,582
	1777, probably upwards of	6,977,985
	1778, probably upwards of	9,000,000
		23,894,792
And if peace is not concluded till the end of this year, 1778, probably the further sum of		9,000,000
		£.32,894,792

The said Resolutions were all negatived.

Petition from the County of Norfolk to the Commons, against raising Men and Money without Consent of Parliament.]

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Feb. 17. A Petition of several of the gentlemen, freeholders, and others, of the county of Norfolk, and of the city of Norwich, was presented to the House, and read; setting forth:

"That your petitioners observe, with the utmost concern and surprize, that extraordinary endeavours are used in this county, and in many other parts of the kingdom, to raise men and money for his Majesty's service by free gifts and contributions, not given and granted in a parliamentary course, which unusual and strained efforts (concerning the very legality of which they conceive doubts may justly be entertained) while parliament actually sits, and at a time when his Majesty is in apparent peace with all the powers in Europe, strongly indicate some violent distemper in the state, to which its ordinary powers and means of supply are not sufficient. We most humbly apprehend, that if a war with any of the neighbouring nations threatens to break out, nothing can give more encouragement to it than the taking such measures as tend to prove this kingdom to be as much exhausted in its strength at the very commencement of foreign hostilities, as it has been at the close of the longest and most wasteful wars. Your petitioners have been also called upon, in a manner equally alarming, by persons of great power and rank in his Majesty's service, to raise men and money for supporting the constitutional authority of Great Britain. We hope and trust that constitutional authority is safe and well supported in the affections of a loyal and a free people; we know of no attack upon, or resistance to, the operation of the laws in this county, or in this kingdom. Impaired, as we may be, in power of reputation abroad, we have however peace at home; but in the thirteen once flourishing and obedient colonies of Great Britain, his Majesty has no authority or other government to be supported. A misrepresentation of our unhappy situation would be a mockery of our distress. An empire is lost. A great continent in arms is to be conquered or abandoned. One whole British army of veteran troops has surrendered prisoners of war to the sudden levies of a new nation; another, abandoning a province which had been over-run in the last campaign, and after two engagements in the field successful without advantage, having marched out to take a view of an enemy posted in one of those places of inaccessible strength with which America abounds, has been compelled by necessity to march back to an open town, which they are obliged to fortify for winter quarters at an enormous expence; the continent of America is, it seems, to be conquered by defeated and defensive armies. It is a project we cannot comprehend. Sixty thousand soldiers, a force of artillery (if we are to judge by the charge) such as never has been sent out of this kingdom, 60,000 seamen voted, more than an hundred armed ships employed in this special service, an unheard-of expence in every sort of military supply, have, after three years struggle, brought things to such a state, that, instead of quieting our civil troubles, we are threatened with a foreign war, for which, after such an abundance (for we cannot call it profusion) of parliamentary grants increasing daily, and with the most exuberant recruiting funds, we are called upon to piece-out the deficiency of public wealth by private contributions; a nation of such power as this, reduced to such a state, must lose its reason and its feelings, together with its glory, if it could acquiesce in its condition. It is not in our choice to suppose that it can have happened without a fault somewhere: in the generals and armies the fault cannot be; if their known and tried characters did not forbid all suspicions of them, yet his Majesty's most gracious speeches from the throne make it improper for us to entertain the least doubt of their courage and conduct; but his Majesty has not forbid us to entertain doubts of the wisdom, care, and prudence of those who conduct his affairs; and we trust, that the House of Commons, whose duty calls, and whose competence and constitution enables them to come to the bottom of those evils, will seriously enquire into the causes of our present calamitous situation, for we greatly fear that we, with the rest of your constituents, have been hitherto greatly deceived and deluded, with regard to the nature, the cause, and the importance of the American troubles, as well as concerning the means of quieting them, both legal and coercive: else we should not have the misfortune to see acts of parliament made only to be sent back to be repealed; armies sent out to inforce them, only to be returned to us as prisoners under capitulation; and, to speak with the filial confidence of free subjects, we plainly declare ourselves unwilling to commit any more of our national glory to

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attaint, and the persons of more of our countrymen to foreign hardships and perils, without any common human security, that they shall not, by the same errors, be exposed to the same calamities and disgraces which many of those have fallen into who have already been sent forth. Without wise councils at home, we cannot have empire or reputation abroad; it is our duty to our Sovereign, to whose person and illustrious House we have ever borne the most distinguished and zealous attachment, which compels us to lay before this honourable House this representation of his affairs; we shall ever be foremost in providing for every reasonable and useful supply for the public service; but we cannot make ourselves the instruments of any faction, or grant money as a test of our support of it; if the colonies can be brought to obedience, we are convinced, by sad experience, it must be by wise and lenient counsels, and by those in whom they have no experience of ill-will or incapacity, the one producing hatred, and the other contempt; for our domestic protection, we most humbly conceive, that our constitutional militia, which his Majesty has been enabled to call out, is the most effective and least invidious defence; twelve entirely new corps, consisting of 15,000 highlanders of the northern part of the United Kingdom, and of the towns of Manchester and Liverpool, appointed during the sitting, without the previous approbation of parliament, and which can hardly be ready in time for American service, are not, we most humbly submit it to superior wisdom, the defence in which we can or ought, for obvious reasons, to trust, in preference to that more numerous and equally well-trained and well-affected body, the national militia; nor have we been given to understand, at a time when the war establishment stands at comparatively low numbers, and those numbers far from complete, and at a time when the public burthens are so oppressive, for what reason new corps should be raised, or on what grounds: if a compliment was meant (at the expence of our finances, and what we conceive the most serviceable military arrangement) the compliment has been confined to the above mentioned parts of this kingdom. We do therefore with all earnestness and humanity pray an enquiry into the true grounds and conduct of this unhappy civil war, that the best means may be found for bringing it to a speedy termination, for facilitating the restoration of concord and confidence to all the citizens of the British empire, to avert, if possible, a foreign war, or, if that be not possible, to take due care that rational, effectual, and becoming provision, in an orderly and parliamentary way, be made for our defence and safety; under the accumulated distress of foreign and civil hostility, we throw ourselves with the most perfect reliance on the care and wisdom (never more called for than in the present exigency) of a British House of Commons; on them we rest the last hopes of a deserving, but, we fear, an injured, deceived, and endangered people." [Signed by 5,400 persons.]

Ordered to lie on the table.

Debate in the Commons on Lord North's Conciliatory Propositions.] Lord *North*, agreeably to his promise, rose to make his Conciliatory Propositions. He began by apologizing for the intended length of his speech, but he said it was necessary, from the quantity of matter he was obliged to go into, and from the perspicuity and clearness which he intended to make use of, in order to give satisfaction upon every part of the detail. He declared, that from the beginning he had been uniformly disposed to peace. That the coercive Acts which he had made, were such as appeared to be necessary at the time, though in the event they had produced effects which he never intended. That as soon as he found that they had not the effect which he intended, he proposed a conciliatory proposition before the sword was drawn. That at that time he thought, and that he still thinks, the terms of that proposition would form the happiest, most equitable, and most lasting bond of union between Great Britain and her colonies. That by a variety of discussions, a proposition, that was originally clear and simple in itself, was made to appear so obscure, as to go damned to America; so that the Congress conceived, or took occasion to represent it as a scheme for sowing divisions, and introducing taxation among them in a worse mode than the former, and accordingly rejected it.

His idea never had been to draw any considerable revenue either in that way, or any other, from America; his idea was, they should contribute in a very low proportion to the expences of this country. That he had always known that American taxation could never produce a beneficial revenue; that there were many sorts of taxes that could not at all be laid on that

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country, and that few of them would prove worth the charge of collection; that the Stamp Act was the most judicious that could be chosen for that purpose, as it interested every man who had any dealing, or any property to defend or recover, in the collection of the tax, and the execution of the law: but, notwithstanding the high rate at which that duty had been formerly estimated, he did not believe its produce would have been a very considerable object; and if the people had confederated, as they seemed in general disposed to do, and in some places had actually done, to go on without stamps, it would produce nothing at all, but would increase the confusions of the country, if any attempts were made to disturb the transactions which were carried on without stamps. That, accordingly, he never had proposed any tax on America; he found them already taxed, when he unfortunately (as he still must say, whatever use had been, or might be made of the word) came into administration. That his principle of policy was to have had as little discussion on these subjects as possible, but to keep the affairs of America out of parliament; that accordingly, as he had not laid, so did he not think it advisable for him to repeal the tea-tax, nor did he ever think of any particular means for enforcing it.

That the Act enabling the East India Company to send teas to America on their own account, and with the draw-back of the whole duty here, was a regulation which he thought it not possible the Americans could complain of, since it was a relief instead of an oppression; but that the ill-affected there, and persons concerned in a contraband trade, endeavoured to represent it as a monopoly; that some hand-bills that were scattered about at Boston, even supposed that he had taken off the American 3*d.* per pound duty, and that on that supposition, the disaffected excited the people to a tumult, upon a principle totally distinct from all idea of taxation. That, therefore, as he never had meant taxation as his object in the last Tea Act, so neither did he in his Conciliatory Proposition; but in the latter, considered it only as a means of union and good agreement between the two countries; that, therefore, in what he was going to propose he was uniform and consistent.

One of the Bills he proposed to move for was, to quiet America upon the subject of taxation, and to remove all fears, real or pretended, of parliament's ever attempting to tax them again, and to take away all exercise of the right itself in future, so far as regarded revenue. That as to the other particulars in controversy, he observed that the Americans had desired a repeal of all the Acts passed since 1763; that this could not, however, be supposed to mean any more than those Acts which had, in some way or other, pressed on them; for that some which had passed in 1769 were beneficial, and such as they themselves must consider in that light, being the granting of bounties and premiums, or the relaxation of former statutes that had been grievous to them. That as to the late Acts, such as the Massachuset's charter, the Fishery, and the Prohibitory Bills, as they were the effect of the quarrel, they should cease; and that as to complaints of matters of a various nature, authority should be given to settle them to the satisfaction of America.

That all these matters, consisting of a great variety, would be better left to the discussion of commissioners, than be established here by act of parliament, or by explicit powers given for each specific purpose; for that the Americans in the negociation would consider every concession made actually here, to be a part of the basis of the treaty, and therefore never to be receded from, and would accumulate new demands upon that; therefore, as every thing of that kind might be variously modified by agreement, he was for leaving the whole to commissioners.

That the commissioners formerly appointed had very large powers, so, indeed, he understood those powers; but that as others seemed to consider them as more limited than in reality they were, he should take care now to be very explicit, and he would give them full powers to treat, discuss, and conclude upon every point whatever. That as some difficulties had arisen about the powers given to the commissioners, of treating with the Congress by name, he would now remove that difficulty, by empowering and enabling the commissioners to treat with the Congress as if it were a legal body, and would so far give it authenticity, as to suppose its acts and concessions would bind all America. That they should have powers to treat with any of the provincial assemblies upon their present constitution, and with any individuals in their present civil capacities or military commands;—with general Washington, or any other officer. That they

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should have a power, whenever they thought requisite, to order a suspension of arms. That they should have a power to suspend the operation of all laws. That they should have a power of granting all sorts of pardons, immunities, and rewards. That they should have a power of restoring all the colonies, or any of them, to the form of its ancient constitution, as it stood before the troubles; any of those where the King nominated the governors, council, judges, and other magistrates, to nominate such at their discretion, till the King's further pleasure be known.

That as the powers of the former commissioners had been objected to, so the Congress had raised a difficulty, on pretence of the non-admission of their title to be independent states. As the Americans might claim their independence on the outset, he would not insist on their renouncing it till the treaty should receive its final ratification by the King and Parliament of Great Britain.

That the commissioners should be instructed to negociate for some reasonable and moderate contribution towards the common defence of the empire when reunited; but to take away all pretence for not terminating this unhappy difference, the contribution was not to be insisted on as a *sine qua non* of the treaty; but that if the Americans should refuse so reasonable and equitable a proposition, they were not to complain, if hereafter they were not to look for support from that part of the empire to whose expence they had refused to contribute. That it might be asked, If his sentiments had always been such with regard to taxation and peace, and why he had not made this proposition at a more early period?—To this he answered, his opinion had ever been, that the moment of victory was the proper time for offering terms of concession. That the House might remember, that at the beginning of the session he had declared, that such were his sentiments; he at that time thought that the victories obtained by sir William Howe had been more decisive, and he knew nothing of general Burgoyne's misfortune. That when the news of that misfortune had arrived, and that the victories obtained by sir William Howe could not be so improved as to hinder general Washington from appearing with some superiority in the field, and that the King's troops were obliged to retire, and fortify themselves in winter quarters, the first thing that occurred to him, as the nation was still strong and vigorous, that they could raise a number of men, and that the resources were far from exhausted, that their strength should be exerted to repair the losses, and to pursue the war with vigour to a happy termination: but when he reflected upon the uncertainty of events, which had hitherto so much disappointed his expectation, and that in case of the utmost success, the terms which he now proposed must be substantially the same as he should propose in the height of victory, he saw no reason to prevent the protracting the war, the effusion of blood, and the immoderate expence, he would offer the same propositions now.

That he was convinced that they would considerably aid the operations of war, as they would themselves be aided by the force in America, which was still very great; that in case nothing farther could be done by force, at any rate, they would be offered with more grace than hereafter. That the events of war in America had turned out very differently from his expectation; that great force had been procured to be sent into America, but to little purpose hitherto. That he must confess himself extremely disappointed in his expectations of the effect of our military force. He did not mean at that time to condemn, or even to call in question, the conduct of any of our commanders, but he had been disappointed. That sir William Howe had not only been in the late actions, and in the whole course of the campaign, in goodness of troops, and in all manner of supplies, but in numbers, too, much superior to the American army which opposed him in the field. That general Burgoyne, who was at length overpowered by numbers, had been in numbers, until the affair at Bennington, near twice as strong as the army under general Gates. That all these things had happened in a manner very contrary to his expectation.

That, for his part, he never had made a promise which he did not perform, or receive an information which he did not communicate. That he only kept back the names of those who had given him information, and which it would be unfaithful and inhuman to divulge; that he promised a great army should be sent out, and a great army had been sent out; there were 60,000 men and upwards: that he had promised a great fleet should be employed, and a great fleet had been em-

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ployed, and was now employed; that they should be provided with every kind of supply, and that they had been so most amply and liberally, and might be so for years to come; that if the House was deceived, they had deceived themselves.

On the whole, his concessions were from reason and propriety, not from necessity; that we were in a condition to carry on the war much longer. We might raise many more men, and had many more men ready to send, for the navy was never in greater strength, the revenue very little sunk, and that he could raise the supplies for the current year, as a little time would shew; that he submitted the whole, with regard to the propriety of his past and present conduct, to the judgment of the House.*

Mr. *Fox* rose. He said, that he could not refuse his assent to the propositions made by the noble lord; that he was very glad to find that they were, in the main, so ample and satisfactory, and that he believed they would be supported by all those with whom he had the honour to act. That they did not materially differ from those which had been made by an hon. friend of his (Mr. Burke) about three years ago; that the very same arguments which had been used by the minority, and very nearly in the same words, were used by the noble lord upon this occasion. He was glad to find, that the noble lord had wholly relinquished the right of taxation, as this was a fundamental point; he was glad, also, that he had declared his intention of giving the commissioners power to restore the charter of Massachuset's Bay; for, giving the satisfaction which the noble lord proposed, it would be necessary for parliament to give the same security, with regard to charters, which it had given with regard to taxation; that the Americans were full as jealous of the rights of their assemblies, as of taxation; and their chief objection to the latter was its tendency to affect the former.

He wished that this concession had been made more early, and upon principles more respectful to parliament. To tell them, that if they were deceived, they had deceived themselves, was neither kind nor civil to an assembly, which, for so many years, had relied upon the noble lord with such unreserved confidence; that all public bodies, like the House of Commons, must give a large confidence to persons in office; and their only method of preventing the abuse of that confidence was to punish those who had misinformed them concerning the true state of their affairs, or conducted them with negligence, ignorance, or incapacity; that the noble lord's arguments upon this subject might be all collected into one point, his excuses all reduced into one apology—his total ignorance.

The noble lord hoped and was disappointed; he expected a great deal, and found little to answer his expectations. He thought America would have submitted to his laws, and they resisted them. He thought they would have submitted to his armies, and they were beaten by inferior numbers. He made coinciliatory propositions, and he thought they would succeed, but they were rejected. He appointed commissioners to make peace, and he thought they had powers, but he found they could not make peace, and nobody believed that they had any powers. That he had said many such things as he had thought fit in his Conciliatory Proposition; he thought it a proper mode of quieting

* "A dull melancholy silence for some time succeeded to this speech. It had been heard with profound attention, but without a single mark of approbation to any part, from any description of men, or any particular man in the House. Astonishment, dejection, and fear, overclouded the whole assembly. Although the minister had declared, that the sentiments he expressed that day had been those which he always entertained, it is certain, that few or none had understood him in that manner; and he had been represented to the nation at large, as the person in it the most tenacious of those parliamentary rights which he now proposed to resign, and the most remote from the submissions which he now proposed to make. It was generally therefore concluded, that something more extraordinary and alarming had happened than yet appeared, which was of force to produce such an apparent change in measures, principles, and arguments.

"It was thought by many at that time, that if the opposition had then pressed him, and joined with the warm party which had hitherto supported the minister, but which was now disgusted and mortified in the highest degree, the Bills would have been lost. But, in fact, they took such a hearty part with the minister, only endeavouring to make such alterations in, or additions to, the Bills, as might increase their eligibility, or extend their effect, that no appearance of party remained; and some of his complaining friends vexatiously congratulated him on his new allies. These new allies, however, though they supported his measures, shewed no mercy to his conduct." Annual Register.

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the Americans upon the affair of taxation. If any gentleman would give himself the trouble of reading that proposition, he would find not one word of it correspondent to the representation made of it by its framer. That the short account of it was, that the noble lord in that proposition assured the colonies, that when parliament had taxed them as much as they thought proper, they would tax them no more. He would vote for the present proposition, because it was much more clear and satisfactory, for necessity had forced the noble lord to speak plain.

But if the concession should be found ample enough, and should be found to come too late, what punishment will be sufficient for those who adjourned parliament, in order to make a proposition of concession, and then had neglected to do it until France had concluded a treaty with the independent states of America? He said he could answer with certainty for the truth of his information; it was no light matter, and came from no contemptible authority; he therefore wished that the ministry would give the House satisfaction in this interesting point, Whether they knew any thing of this treaty, and whether they had not been informed previously to the making of their proposition, of a treaty which would make that proposition as useless to the peace, as it was humiliating to the dignity of Great Britain.

Mr. *Thomas Pitt* spoke with the greatest firmness against the general system of the ministry; said, that the repeal of the Stamp Act was not only looked upon by the Americans, but by all Europe, as a solemn relinquishment of the claim of taxation; that the fatal renewing of that claim would cost this nation 30 millions of money, besides twenty or thirty thousand lives; for he considered every American killed as a fellow-subject lost.

Mr. *William Adam* said, he retained his former opinion with respect to the impropriety of such terms for peace coming from this country. He argued that they would not be accepted, and that the holding forth such terms at this time, would dispirit the people and disgrace our government; that our allies would become lukewarm, and our enemies elated. He farther said, that the system now proposed, if accepted on the part of America, would, in the end, be ruinous to this country, as the contributions from thence would certainly prove inadequate to the expence we should be at in supporting and protecting them. Besides, we were giving to America such important privileges, that these, together with the natural advantages of that country with respect to the low price of labour, and the quantity of land easily obtained and cultivated, must in a course of years, draw multitudes of inhabitants from Great Britain and Ireland; and that the Acts now proposed were in fact establishing high bounties for promoting emigration, to the eternal disgrace of the legislature, and the destruction of this devoted country. He therefore disapproved totally of the noble lord's proposition.

Mr. *Viner* regretted that his favourite object of taxation could not now be had; he had ever thought that a proper and a just object, and while it continued the object, he was clear for carrying on the war: but that since this object no longer existed, and that America was united to a man, he agreed, that the sooner we could make peace the better, and he was therefore ready to accede to the noble lord's propositions.

Governor *Johnstone* said, he was glad to find that people were now come to their senses, and that the noble lord had at last found a proper opportunity of declaring his opinion; that he had always said, he was sure the noble lord understood the subject of America as well as any man; and that his real opinion was against the war, and the object of the war. He hinted, that the true mode to be held out to the Americans for reconciliation, was to fund their paper in this country; and thought that the repeal of the Acts obnoxious to America, ought to be more explicit. He then entered into the question of independence, and said, he was sure it was not the original aim of the Americans, and referred the House to an hon. gentleman (sir Wm. Gordon) who knew that country.

Sir *Wm. Gordon* began with great good humour and wit, by rallying his hon. friend for descending to such inferior game as himself, when he had so often attacked with success, the greater game of the Treasury bench; and concluded by saying, that, in his opinion, America had always meant independence.

Sir *P. J. Clerke* said, he could not carry his complaisance so far as to thank the noble lord for the propositions which he had produced, because he considered it as an act of necessity, not of choice. The noble lord, indeed, had said, they should

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be fair and equitable. Admitting them to be so, they past the severest censure on the noble lord's conduct for these three years last, as they contain a total reversal of all those Acts, and consequently declare them to have been all unfair and unequitable. What satisfaction, then, could the noble lord give to this injured country, for the millions of money and thousands of lives which have been expended in this unequitable war? What reparation could the noble lord make to the fatherless children and widows, and a great country, which he has made desolate, and has oppressed? The noble lord had taken credit to himself for having mentioned the word 'conciliation' the first day of the session. He was willing to allow him more; he talked of it on the news of general Burgoyne's defeat; the noble lord was frightened, and thought it necessary to throw out some lure to keep his friends together. Unluckily for this country, the noble lord just at that time received a cordial which elevated him exceedingly; it was an offer from Manchester to raise a regiment; he raised his voice, and began to talk loud of the strength and spirit of the nation, and turned his mind to his favourite object, the prosecution of the war. The parliament was adjourned for seven weeks, and the noble lord raised an army during their absence: but he gave a bad specimen of the strength of this country; for he told us, that he could not raise 7 or 8,000 men in England, and was to get them from the highlands of Scotland. So much for the strength of the country! As to the spirit of it, he could only observe, that a good national spirit might be of infinite use to a country, well directed and well applied: but, otherwise, it would have the same effect as spirit in a blind horse; if you turn him loose, it will make him run his head against the wall, and dash his brains out. The noble lord had lately said, he had been a good friend to his country. Great men, he said, should be judged by their works, not their words. He wished to take a comparative view of the state of this country at the present time, with what it was in the time of the administration of the earl of Chatham. That noble lord had raised his country to the highest pitch of honour and glory; from the time he left administration, it has been gradually declining, and is now got to the very edge of a precipice, from which it is likely to fall, perhaps never to rise again.—Ever since the noble lord had been in administration, he had told the House that he came to the helm when the vessel was in danger, and he would bring her safe into harbour. The noble lord had not proved so able a navigator as he thought himself to be; he carried too much sail at first, and lost his masts in the storm; he then began to throw all the valuable part of his cargo overboard; he had kept pumping, and pumping, and pumping ever since, and can now hardly keep the vessel above water. The noble lord had now set up some jury masts, but he would never be able to steer her safe into harbour; the passengers' security was in imminent danger; they required, and had a right to demand a better man to be put at the helm. It would be difficult for any man now to free her from the impending danger; but it was just and fair to let some other person attempt it. But to drop the metaphor: the noble lord having failed of the means of coercion, had adopted another language; his hopes now were in the natural good disposition of the people of America to this country. He did not think the noble lord was quite the proper person to gain upon their affections, or soothe them into compliance; if there was any chance yet remaining of recovering them from the power of France, and regaining their confidence, it was most likely to be effected by those people who had always shewn a good disposition towards them, and not by those who had taken every opportunity to ill-treat and abuse them, who had added insult to injury, and waded deep in their blood. If the door of conciliation was not already shut, it could be open only to such men as they had reason to think had been well inclined towards them, and on whose friendly dispositions towards them they might securely place some confidence.

Mr. *Baldwin* declared he had been deceived by the minister; that three years ago he had asked him whether a revenue was meant by the claim? That he was answered, it was; and upon that ground alone he had hitherto voted with the ministry.

Mr. *Aubrey* said, that he rose to give his assent to the noble lord's propositions, though with little hope, he confessed, of their producing any good effect; for that, whatever the Americans might suffer by the continuance of the war, he could not be persuaded they would ever be willing to receive the olive branch, when held out to them by hands so stained with the blood

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of their countrymen: but, as he had upon a former occasion, been for a similar question, he thought it a duty he owed to consistency, to be for the one proposed by the noble lord, as the avowed object of it at least was peace. The time he had just alluded to, he said, was the year 1775, when he voted for the motion which was made by an hon. gentleman (Mr. Burke) for the repeal of the American compulsory Acts. He gave his vote then from two motives; one was, his being one of those who, from the very beginning of these unhappy differences, thought the parliament of Great Britain had no right to tax the Americans while they were unrepresented in it; the other was, his thinking that such a repeal, solicited as it then was by the united voice of the whole continent, would have brought things back to their old state of tranquillity and confidence. The great objection then made was, the dignity of parliament. It was in vain to urge, that the best support of dignity was justice; that maxim was out of date, and unattended to. We began with condemning without first hearing, and proceeded accordingly. The consequence has been, that we are now, after an enormous waste of blood and treasure, reduced to the necessity of giving up both the dignity of parliament and the claim of taxation together. So much was clearly implied in the noble lord's proposed suspension of the compulsory Acts. But in the mean time, what have the Americans been doing? They, Sir, provoked, and rendered desperate by our unrelenting rigour, have disavowed all dependence on, and connection with, this country. They did this, likewise, at a time when their affairs wore but an unpromising aspect; when their paper currency was in the greatest discredit, their negociations at the different courts in Europe were hopeless, and our army, that had invaded their country, was not only numerous, but victorious; an army, Sir, of which the Americans seemed to think as Hannibal thought of the Romans, 'Quos opimus fallere et effugere est triumphus.' The balance of success, however, has since that period turned in their favour. And if we were not able to avail ourselves of their fear, I leave every man to judge, what the present ministers have to expect from their affection. That their affairs are comparatively in a prosperous condition, and ours declining, must, I think, be evident to every one from the propositions now offered to us. It is true, that the noble lord has, with an air of fortitude, just assured us, that "our army is great and powerful, and that our navy is great and powerful;" but would those ministers who talked of nothing less than unconditional submission, and bringing America prostrate at their feet, have voluntarily repealed those obnoxious Acts, if they were not convinced, that our strength was inadequate to the contest? And do we at this time expect, that, after having resisted and baffled our utmost efforts, they will ever sheath the sword without sufficient security against the injuries they have complained of being repeated? Will not the solemn official promise of lord Hillsborough alone justify the Americans in declining any negociation with men, who, having thus laid the foundation of the war in perfidiousness, have built upon it with cruelty? I cannot, therefore, flatter myself with the hopes of reconciling America with the proposed Bill. Those privileges and immunities for which the Americans have ventured their lives and fortunes, they will not, now the hazard is so nearly over, trust for a moment in the hands they have just rescued them from. To what, then, does the present motion tend? Not to pacify the Americans, who will never be contented with terms, while they have reason to distrust those who offer them. No, Sir, it tends only to amuse England by a delusive prospect of reconciliation, and thereby to suspend at least the vengeance of an injured and insulted public.

Mr. *Grenville* assured the House, he did not intend to trouble them, had he not been particularly adverted to by the noble lord, who denied that he had been misled or deceived; that he rose to assert again, with indignation, that he had been grossly deceived by the uniform language of government for three years past; that with regard to the present question, the noble lord had opened so little the nature of the commission, that he was hardly prepared to comment upon it, but that his ardent wish was for peace. He then referred to the hint thrown out by Mr. Fox, of the alliance between France and America, and called upon the noble lord to answer that fact, especially as the information tallied with what he himself had heard from undoubted authority. That from the same authority he knew, that a very considerable body of forces had marched, within this fortnight, from the

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interior provinces of France, and that the language held by that power was of the most offensive nature; he, therefore, insisted on having these facts answered, and concluded with reminding the House, that these were the victories promised to them, this the revenue to the landed gentlemen, and this the triumph to parliament: but assured government, that though he might differ from them, he would not hang upon any proposition which looked like peace.

Lord *North* at length answered, that he could not say from authority that the treaty alluded to was signed; that, indeed, it was possible, nay too probable, but not authenticated by the ambassador.

His lordship's motions were; 1. "That leave be given to bring in a Bill to enable his Majesty to appoint Commissioners to treat, consult, and agree upon the means of quieting the Disorders now subsisting in certain of the colonies, plantations and provinces of North America. 2. That leave be given to bring in a Bill for declaring the intentions of the parliament of Great Britain, concerning the Exercise of the Right of imposing Taxes within his Majesty's colonies, provinces, and plantations, in North America." Which were agreed to without a division.

Debates in the Commons on Lord North's Conciliatory Bills.] Feb. 19. The two Conciliatory Bills were brought in and read a first; and on the following day a second time.

Feb. 23. Previous to the House going into a committee on the said Bills,

Mr. Serjeant *Adair* moved, "That it be an instruction to the committee on the Bill for appointing Commissioners, &c. that they have power to make provision for nominating the Commissioners by the Bill." He said, that this was no infringement on the prerogative of the crown, this was no matter that lay within its ordinary fœderal capacity; it was a commission appointed by parliament, in order to treat about the rights of parliament itself, the suspending its laws, and the surrender of its rights, or of what it had always considered or had claimed as such; that for the House to give blindly such a power out of their hands, to be exercised at the mere pleasure of the crown, and by persons to them utterly unknown, was, in effect, a complete surrender of the whole constitution of this country into the hands of the King; that therefore, he thought himself bound to resist this most unconstitutional measure, by every means in his power; that as to any difficulties which might be supposed in the execution of this mode of appointment, they had been all completely got over in the East India Bill, where, with such sufficient facility, parliament had nominated commissioners for a matter of mere executive government, and one in which no parliamentary rights or powers were at all concerned; that he hoped, as himself and the gentlemen in the late minority had given, and would give so clear a support to the conciliatory measures of the minister, late as they were adopted, the minister, on his part, would likewise act a candid part with them, and not take them in for a dangerous extension of prerogative, whilst they were joining him in an attempt to restore peace to the country.

Mr. *Moysey* opposed it, as taking the executive power out of the hands of the crown. He said, that to hold out to the world at this time, that parliament entertained a jealousy of the crown, was not likely to promote the good effects which were proposed by this Bill. That it would be a violent act, after having empowered the crown to carry on the war, and to make peace, if it could have been effected by the submission of America, for the legislature on a sudden to hold their hand and say, the crown shall not negociate for peace. That there was no instance of parliament taking such an appointment as this into their own hands, except in the reign of Richard the 2nd, which act was in a few years repealed in terms of reproach, as having usurped upon the royal province. That the progress of such a business in that House would be attended with the grossest inconvenience; that the House must agree or disagree among themselves upon the nomination; if they disagreed, that circumstance of itself would be sufficient to shew the impropriety of 550 people coming to an election of so important a nature; not to mention the inconvenience of such a dissention going over to America, or the aukwardness of a debate upon names and particular individuals. If, on the other hand, the House agreed, and took at once the nomination of the King's ministers, it would come to the same thing as if it had been left originally, to the crown, with this material difference operating to their own disadvantage; that if the appointment should be a bad one, they would preclude themselves from all right of calling the ministers to an account

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for misadvising the crown, an inconvenience that would ever apply to every instance, where an attempt should be made to blend the legislative and executive power together.

The *Solicitor General* said, that the powers intended to be given by the commission could not be safely executed but by persons appointed by the crown; that the crown had been intrusted with the appointment of commissioners to treat upon the union of the two kingdoms, and had had power to suspend the acts of parliament which prevented the free trading intercourse between the two kingdoms during the treaty; that they were ordered to keep the whole transaction secret, and that they had so kept it; that nothing could give a proper weight and support to the commissioners but the perfect confidence which parliament shewed that they reposed in government; that the nomination of commissioners in that House would prove a thing clearly impracticable, on account of the indecent, personal discussions that it would give rise to; and he declared, that if that question should be carried, and the commissioners nominated by parliament, he would be against the whole commission, the Bill, and the plan they belonged to.

Mr. *Fox* said, that nothing could so effectually defeat the purpose of the commission, as the least thought that parliament reposed any confidence in the present servants of the crown; that this would be a perpetual subject of distrust, jealousy, and animosity to the Americans; that this ministry, or any persons of their appointment, could not have any title to the confidence of America. The ministers were all the declared enemies of America, and were only brought to a late and abject submission, by a failure in their attempts to oppress them by force; that the commissioners whom they appointed must accordingly be persons of their own stamp; persons who would be more solicitous to screen ministers than to serve their country, and qualified to irritate, rather than to appease America; that the secretary of state for the colonies (the author of all the violent and coercive measures) was by his office to have the nomination of the commissioners. Suppose, the first part of the terms should be the punishment of that very minister, would the persons nominated by him be impartial commissioners, and fit for their duty in such a case? He was astonished at the insolence of ministers, who when they should be in sackcloth and ashes, for the ruin which they had brought on their country, were presumptuously making demands of unlimited confidence, and calling to have the few remaining powers which had been left to parliament surrendered into their hands, and be disposed of at their pleasure.

Mr. *Burke* said, that the present was a question of men; that the measure was decided upon, which was to give a full power to dispose of all the legislative acts, and all the legislative powers of parliament, so far as they concerned America: that there never had been such a trust delegated to men, and that, therefore, nothing ever was more important than the proper choice of them; that if ministers had hitherto shewn, in any one instance, that they had formed a right judgment on men, he would admit, they ought to be trusted with the nomination of men upon this occasion. Next to honesty, (which he would not dispute with the ministers) the ground of confidence in men was founded on two things; that they were incapable of deceiving others, and were alike incapable of being deceived themselves. That the ministers had been publicly charged in that House by those who had all along supported their measures, with having deceived them; and their justification had been, that they were themselves deceived in every particular relating to America. Now, take it which way you please, he said, whether they were deceivers, as their friends assert, or deceived, as themselves allege, they are not fit on either ground to be trusted. That they, who had judged so ill of the men they had credited, in all their information concerning America, would not judge better in the choice of the men whom they nominated to get rid of the fatal consequences of that ill information. That their constant defence, with regard to the ill success of their army in America, was the incapacity, error, or neglect of the generals they had appointed; that though he did not believe this was the cause, yet on their own confession, they had made a wrong judgment of the persons they had employed; and if they were so unhappy in the choice of generals, they would not prove more fortunate in their choice of negociators. He apprehended, that no good could come of any negociation whatever intrusted to their hands; that the affair was not too little to be undertaken by parliament itself. If parliamentary rights must be ne-

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gociated upon, it was fit to be done by a committee of the two Houses of Parliament. In order to settle East India affairs, a committee of the House had sat in Leadenhall-street; they might as well sit in America; the object is more important, if the distance is greater; that he saw the drift of the whole; the ministers thought to pay their court, by extending the prerogative, in proportion as they had lessened the empire; and that this war (which was pretended to be made to prevent the King's having a revenue in America independent of parliament, and to assert the power of the House of Commons, to tax all the British dominions) now terminated in a surrender of the right of taxation, and of all other parliamentary rights to advise or check the power of the crown.

Governor *Johnstone* blamed, what he called the weakness of the argument drawn from the supposed impossibility of discussing the merits of commissioners in that House; and said, that it had not delayed the Bill for regulating the East-India Company, for that the clause appointing the commissioners had been postponed until the rest of the Bill was finished. The commissioners ought to be men of great weight, persons if not well, at least not ill, affected to the Americans; men who were known to have an opinion of their own, not merely looking towards the court.

Mr. *Thomas Pitt* thought it not very material, whether the commissioners were named by the crown or by the House; but was of opinion, that they would be more responsible, if they were named by the crown. He hoped, that as they had proceeded so far with unanimity, they would not now divide except upon points essentially necessary.

Lord *John Cavendish* seemed to think the difference between sending out commissioners by the crown or parliament of great importance: but he considered also the expediting these Bills to be so necessary, that he would have nothing started in the way of that object; that the ministers had threatened the minority with the rejection of their own plan of reconciliation, if they were not to have it exactly in their own way; that the public would easily see who was the true mother of the child, by the care of preserving it.

The motion was rejected.

Mr. Powys then moved an instruction to the committee on the Conciliatory Bills, "to receive a clause to repeal the Bill for regulating the government of Massachusett's Bay."

Mr. *Jolliffe*. Sir, at the commencement of this war, I troubled you with declaring my hearty aversion to it. I endeavoured to convince you, that should it prove successful, the utmost we could hope, was an abject submission of the colonies through fear; a submission which it was not the interest of this country to desire, and which, as it originated in terror, must end in rebellion; for there is no axiom more true, than that authority which is established and supported by force alone, may and will be resisted when that force is diminished or removed; nor is any proposition more clear, than that America increasing the number of her inhabitants, must soon rise above any apprehensions from your power.

I told you, Sir, you might smother the flame with coals, but the fire would burst forth in general conflagration; you might conquer, but you never would convince by the sword. I then opened a more dismal prospect. I supposed (which was then received as visionary and ideal) that your armies might be resisted, perhaps defeated; that instead of seeing America at your feet, you might find her brave, resolute, and determined; that the war might last some years; that you might shed your noblest, dearest blood; that you might exhaust all your resources: that France might aid the colonies, and you not dare to resent the insult; that the kingdom might be reduced to the abyss of distress in which it now is; I then asked the noble lord, who was and still is the ostensible conductor of the affairs of this nation, what amends he could make to those he had involved in this calamity; to those gentlemen who credulously had pledged their lives and fortunes in support of his measures. Having thus publicly avowed my aversion to the war, having stated in the strongest language the consequences which I foresaw, I have been thought inconsistent in giving my support to the continuance of what I disapproved in the commencement. Sir, I ask your forgiveness for entering into this matter; but it is a duty I owe my own character, to reconcile my conduct. At that conjuncture, before the sword was drawn, two alternatives offered themselves, the one was plain, easy, and to my understanding obvious; it could have taken little time, it could have cost neither blood nor treasure; if it had failed, the last might have been

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adopted; with much better pretence we then might have drawn the sword; a conciliatory conduct could not have inflamed the sore, but hostility lacerated the wound, and has dismembered half the empire. Before this cruel war commenced, I was anxious to obtain that tranquillity by lenient measures, which hostility could never effect. The majority of this House, the whole nation, were of a different opinion, they rejected the palm, and drew the sword. Hostilities being commenced, and independence declared, the idea of accommodation vanished; nothing but vigour could regain America; it called for unanimity, it called for all your exertions; it was my duty then to support the honour of my country. When America defied our force, we should have betrayed the very cowardice with which we have branded them, to have sued for peace; as while there was a possibility of conciliation, conciliatory measures ought to have been adopted; so when reconciliation was passed, force could only be met by force.

Sir, it is always painful to differ from those we respect, and in questions of small importance, if every man was to follow his own caprice, no government could last a day: the business of this empire would be anarchy and confusion: but when the fate of thousands is at stake, when millions may be wasted, and an empire lost, he ill deserves to sit here, who can from any motive sacrifice his opinion. It is not in the power of the crown to bribe a man of property on such occasions. It is not an empire that can pay a man for his own destruction. Sir, since America hath avowed independence, and professedly contemned your power, it is my sincere opinion, that the measures of government have not only been defensible, but no others could have been adopted; and I am sure, no minister, who regarded his own situation, and wished the real interest and honour of his country, could have pursued any other line but that of vigorous hostility. That vigour has failed, and indisputably great blame and censure must fall somewhere; whether the neglect hath been in the instructions sent from hence, or in the executing them, time and enquiry must determine: that enquiry cannot be distant, not only into the failure of general Burgoyne, but into the conduct of the whole war. Peace on almost any terms must now be obtained. It may be asked, would you treat with the Congress? I say, Yes. Would you confer with rebels? Without a doubt. You have tried force, you have failed; without some terms, not only America is lost, but this nation is undone. The whole nation call for peace, and if you have it not, there will be war at home.

Sir, I am sorry on this, as on other occasions, to observe, the noble lord (North) so blends every proposition with much that I like, and something that I dislike, that although he gains my assent, I am unable to give him my hearty support. As at the commencement of the war, the address was such a mixture, that it deprived me of giving my vote; so at this period, though I approve what is intended to be done, I disapprove the mode of doing it; as I wish for peace, there appear to me more probable measures to accelerate it than those now offered to your consideration.

Sir, it is a maxim with me, it is one of my first studies, when I confer a favour, to do it in such a manner, as shall render it most agreeable; when I make an offer, I would so model it, as to render it most acceptable: whatever I mean to do, I love to do at once; whatever concessions we mean to make, that should be our first proposal. I, Sir, detest the appearance of insidiousness. Whatever this country means to concede to America, should be made the first step; that first step should be palatable. Instead of suspending the obnoxious Acts, let us be open, and repeal them. The noble lord avows an intention finally to repeal them, why not do it at first? America does and will suspect you of designs, if that is not your first measure. We are not in a condition to haggle: we have lost an empire; it is an humiliating consideration; but we are in the state of suppliants. He that flatters us with contrary assertions, deceives. Sir, I trust we are not an undone people: but our greatness is vanity; that vanity has been our ruin. It is the fancies of our wealth and power that have undone us. It is the want of knowledge of our own ability and strength, and our ignorance of that of our opponents, that hath thus reduced us.

Sir, I have digressed; but will return to enforce my earnest wish—the repeal of the obnoxious Acts. Will not the repeal of these laws convince America, that we are in earnest in our declarations of amity? May it not sow divisions, and disunite the Congress? May it not induce at least some of the provinces to hold out a wish of conciliation with the parent-state? While your Acts stand unrepealed, it is

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their interest to be united; remove the cause of that union, and the effect will cease; remove this ground of jealousy, shew them you are convinced of your own folly and rashness, and their regard for you will return. Suppose they have entered into any treaty with France, is not this the most probable means to render it void? Sir, if they are convinced of your sincerity, they will deplore that connection, and will find some method to frustrate its success. Suppose that every province may not unite in opinion against this proposal, a treaty must be opened with that province, which will alarm the rest; until every thing is agreed on, no one province can safely join you; and as much time must be taken in treaty, that province who wishes to return to its connections with this country, must be subject to the attacks and depredations of the others, or must admit your troops, and then submit to whatever terms you think proper to impose: if you repeal the Acts, they may then open their arms to you and they are safe. The suspension wears the face of insidiousness, and you cannot imagine America so blind, as not to suspect such a design: if it should strike them in this light, you will continue to alienate and provoke instead of soothing and attaching; you will make them continue to believe, that your offers of conciliation are not only feigned, but that the same plan against their freedom lurks behind the mask. Sir, I deprecate a British parliament to be themselves, to be open and liberal, to remember that they are treating with their children, and that the fate of the empire depends on this Act.

Mr. *Welbore Ellis* said, it was against the law of parliament to receive clauses for the repeal of Acts when two stages of parliamentary discussion were passed. To repeal a law was the same thing as to bring in a new Bill, and ought to be debated both on the introduction and second reading. He added, that no doctrine could be so dangerous to the liberty of the subject, as to maintain a right in the crown to grant charters independent of the power of parliament.

The *Solicitor General* was of the same opinion.

Sir *W. Meredith* replied, that no order of the House could be pleaded in bar of receiving a clause for repealing those Acts that were obnoxious to the Americans; it was always in the direction of the House. A clause to introduce novel, undigested, foreign matter, in the middle stage of a Bill, ought seldom to be admitted. But it was the constant practice, not only consonant to discretion, but even binding on the good sense of the House, to receive clauses that were essentially necessary to the execution of the law proposed, more especially in the case of repeals of Bills, that were fully known, and had already gone through their full course of discussion. So necessary was the repeal of the offensive Acts to the present Bill, that without a total repeal, it would be not only nugatory but mischievous. The right of charters being held independent of the power of parliament, had not been fairly stated. It had been said, that "a charter being the act of one branch of the legislature only, could never stand against the united power of all the three branches of the legislature." But there are such things as unalienable rights; and the foundation of every unalienable right is this; when he who is competent to convey, conveys; and he who is competent to receive, accepts: such conveyance on one hand, and acceptance on the other, whether by gift, purchase, or any other consideration, constitute a right, which by the law and constitution of England, is unalienable, and unless by consent or forfeiture cannot be taken away. Charter rights are at least as sacred as the rights of property. And in what situation would property be, if it was an argument for depriving a man of his fortune, that the conveyance was the act of one man only, and could never stand against the united powers of the legislature of Great Britain? But if parliament, which is instituted to preserve, should assume a power to violate private or public rights, that spirit which had often been so gloriously and successfully exerted against the dispensing power of kings, would now be called forth against the dispensing power of parliaments.

The House divided on Mr. Powys's motion: Yeas 108; Noes 181.

Feb. 24. Mr. Powys moved for leave to bring in a Bill to repeal the Massachuset's Bay Act, which was agreed to. On the motion for going into a committee on the Conciliatory Bills,

Mr. *Burrell* said, that no member present wished more sincerely for peace with America than he did; but, he feared the present Bills, so far from effecting so desirable a purpose, would tend to defeat it. A cessation of hostilities, and the

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opening of the American ports would only enable America to dispose of her produce to recruit her losses; to make alliances, to open a commerce with other powers. On these general grounds, therefore, he was totally against any measure which might promise to put America in a situation to render herself independent.

Mr. *Morton* (chief justice of Chester) said, if he should be fixed upon as a commissioner to go on the present disgraceful errand (which he hardly thought) he had his doubts but that they would do him the honour to tar and feather him. He solemnly affirmed, that before he would give up taxation, he would cheerfully consent to relinquish the colonies entirely; for he was clearly of opinion, that taxation and legislation were in effect the same; could not be separated either in idea or exercise; and of course, must stand or fall together.

Lord *Beauchamp* replied, that the real or fictitious distinctions between legislation and taxation did not properly form the question before the committee; but whether it was wise and expedient to concede the claim of taxation, in order to secure the dependency of the colonies. The learned gentleman was mistaken in saying that the claim of taxation included that of legislation; the contrary was the fact. The superior right might be preserved, and an inferior one included in it given up. On the whole, though it could not so well make a part of the Bill, it was intended to instruct the commissioners, not to treat till the vote of independency should be rescinded—indeed, the very nature of the Bills imported so much.

General *Fraser* began with observing on the civil policy of the repeal of the Stamp Act, and took a review of the measures of the several administrations from that time to the present. He said he entertained a very high opinion of the noble lord who presided at the head of the Treasury at the time of the repeal (lord Rockingham) as well as the right hon. member (Mr. Dowdeswell) who then occupied the post of Chancellor of the Exchequer; but however great their abilities or integrity might have been justly rated, he thought the measure extremely wrong, and was the great source of our disputes with America. The colonies had received the stamps in some places, and were inclined to submit to the tax in general, if the repeal had not only quenched that disposition towards obedience, but laid the foundation of every thing which followed after. He next spoke of the conduct of the inhabitants of Boston, relative to the tea, and condemned it very highly. It was urged in their defence, that the destroying of the tea was the act of a rabble; but for his part he could not believe it; he was of opinion, that the riot proceeded from a general inclination to resist the law; and the principal inhabitants, if they disapproved of it, could have readily brought the offenders to justice. He did not chuse so much to look back, as see what was proper to be now done. In that view of the question, he thought, if America refused the present offers, this country ought to exert herself to the utmost, and risk every thing; even to that of carrying on a perpetual war.

Mr. *Fox* answered the hon. general, that in his opinion the Bills would have no effect; that it was too late; that the reason of his giving all assistance to the Bills was, that there was a possibility, and but a possibility, of their success; there was a chance of it, though it was so small, that it was beyond the power of calculation; but yet, as the prize was so great, as that of a peace with dependent America, it was worth the trial. He stated some objections as to the parts of the principal Bill. The powers of the commissioners were not large enough: they should have the power of suspending the statutes affecting America made before 1763, as well as afterwards.

The *Solicitor General* began with declaring, that his reason for approving of the present Bills was not grounded on despondency; he was well persuaded our strength was still great, our resources almost inexhaustible; and, indeed, his chief hopes were formed on our strength, and on the respectable situation of our affairs; for that if we were not strong, and capable of going on with the war, he was afraid there was little hopes of success in negociation. But his reason for promoting the present measures was, that the prolongation of the war, though attended with success, would not compensate for the inconveniencies of pursuing it. He had not the least doubt but his Majesty's arms would be crowned with complete success in the end; but he thought a speedy termination by this means was preferable to conquest by length of time. With regard to the particular parts of the Bill, he confessed he should be rather of opinion to have given the commissioners

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unlimited powers, and leave the rest entirely to their own discretion. He said, that revenue was not the cause of the war, that the real spring of it was to crush a spirit of independence.

Mr. *T. Townshend*, in reply to general Frazer, pointed out his mistake, and general misinformation. He adverted to several defects in the Bill before the House. When, said he, your commissioners have caused hostilities to cease by sea and land; what will become of your Navigation Act? for suppose, contrary to the provisions of the Act, an American ship should be found trading, and be made prize of; then the colonies will tell you, that you have broke the truce, and hostilities will recommence on their part.

Mr. *Burke* said, till matters were settled by previous treaty, every thing must continue to remain in confusion; when that event should take place, then the securities and sanctions on both sides would be equal.

Lord *North* took that opportunity to declare, whatever different opinions there might be concerning the powers of the commissioners, that they would have positive instructions not to allow of, or to treat concerning, the claim of independency set up by America; they must treat as subjects, or not at all.

Mr. *Wilmot* said, that though the motion for the Speaker to leave the chair was to go into a committee on the first Bill, he begged leave to consider the two Bills as composing one plan, and though it was more regular to debate the various parts of them when they came to a committee, he could not help now saying, that he thought the Bills upon the whole were extremely well calculated to answer the purposes for which they were intended; that there was a peculiar propriety in not inserting in the Bill a clause for obliging the Americans to rescind their vote of independence; because, if they treat at all under this Bill, it must be as subjects, and the demand of such a formal and express renunciation, might prevent their proceeding at all in the treaty, though they should otherwise wish it. He intended at present to speak chiefly in favour of the principle of the Bill; a principle he had been pursuing, and on which he had acted ever since he had a seat in the House; namely, of restoring union and harmony, by a revisal of the laws relative to America. That before he delivered his own genuine and unbiassed sentiments, he desired to do justice to the sentiments of those with whom he should be so unfortunate as to differ, on whichever side of the House that difference might be. He was very far from thinking, that this war was originally caused, or has been kept up since, either by a spirit of oppression on one side of the House, or by a spirit of faction on the other. He was persuaded, that there were very few gentlemen who had not all along acted, and who would not continue to act from the conviction of their own mind, and to the best of their judgment; a judgment, perhaps, far superior to his own: but that it appeared to him, in a question of this important nature, to be incumbent on every man to form an opinion, and much more so, when he had formed one, to act up to it. His opinion was not the opinion of the day, but had been the constant guide of his conduct; namely, to have given the Americans some satisfaction on the subject of unlimited taxation, and to shew a willingness to revise the laws by which they might think themselves aggrieved; for though it is now said, that revenue was not the object of the war, and that if it had, it would not have been worth contending for, yet he thought every body must allow, taxation was certainly the origin of the quarrel: it was the first cause of it; it was first in point of time, if not in point of consequence; and though the question was more complicated when he took his seat in the House, yet he thought much depended on the first ground of the contest, as the subsequent steps might be only the consequences of the different ideas of the two countries on that question. He always thought till something was done on this subject, there would be no end of the dispute; as a proof of which, he referred to the two Bills on the table. He had no doubt of the competency of parliament to tax America; but on the other hand, he had no doubt of the unreasonableness of our exercising this right before some limitation was put to it. This right was new in point of exercise. We had hitherto been contented with the restraints on their commerce. The conduct of the constitution in similar but much less strong instances, and above all, the peculiar situation of America, did in his opinion require us to withhold the exercising of this right, though in theory it certainly belonged to us. He entered at large into the reasons that induced him to be of this opinion, which were chiefly the

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peculiar situation of America, which prevented the inhabitants of that country from having the same security that every unrepresented individual here enjoys, because he submits to no tax but what the representative equally submit to: and therefore, though he had no interest in the actual representation, he safely confided that those who make the laws, either by themselves or their representatives, will lay no unnecessary burden, for if they did, all must equally bear a share of it. But this was by no means the lot of the American: he must have submitted to taxes, not only which he was not concerned in imposing, but which those who did impose them did not bear any share of, and therefore he wanted that security for their equality and justice. He did not think this country would have abused this power by a grievous exercise of it: but he never understood it to be an argument in favour of a contested right, that the persons who were to exercise it, would have the goodness not to abuse it, and especially when a tax was laid avowedly to establish the principle of an unlimited right of taxation. That America should contribute was highly reasonable, and what America herself did not deny: but it was said by a learned gentleman, that the real spring of the war was to crush a spirit of independence, that was always designed, and now actually set up in defiance of the legislature of this country. He said, he did not mean to justify the Americans; their conduct in taking up arms justified us in repelling force by force: but he believed independence was no more their design in the beginning, than oppression was ours at any period of the contest. If it was, there was no excuse for not proceeding with more vigour at first, and no ground to hope for accommodation now. He confessed he had still hopes of a permanent reconciliation, chiefly founded on this, that the claim of independence was a consequence of the quarrel, and not the original design of that country in its collective capacity, however some individuals might wish it: but said, if he had thought the scruples of America concerning taxation less reasonable than he did think them, he saw no solid objection before we had entered into this civil war, to the having satisfied the Americans on the subject of unlimited taxation, to having offered some security that we would not abuse this power, that they might have known explicitly the footing on which we meant to put them when conquered, and which might perhaps have saved us that experiment. The case was now, indeed, a good deal altered. He wished something effective had been done sooner, but hoped it was still not too late.

The House then went into the Committee.

March 2. Sir *Grey Cooper*. I rise to move, that the Bill for enabling his Majesty to appoint commissioners, &c. be now read a third time: but before I make that motion, I will, with the indulgence of the House, humbly offer my sentiments on the very important subject-matter of both the Conciliatory Bills. Sir, it appears to me, that when the propositions which these Bills contain shall be sent to America, and circulated through the revolted colonies, and when the terms which they offer shall be known, considered, and understood, they will, by degrees, induce every moderate man, and every man of property who is not too far embarked and engaged with the present governing powers, to consent to a treaty with the King's commissioners, on the ground of a dependence on Great Britain, and on conditions beneficial and advantageous to both countries.

The terror of taxation by the parliament of Great Britain has been for some time past the great power and prevailing influence by which the leaders of the revolt have possessed and governed the minds of the people; and, in my humble opinion, this plan of peace, founded on such concessions, will tend more effectually to weaken the power, and to counteract the authority of those leaders, than any measures which could have been taken in the present state and circumstances of things. When the owners of land, the planters of tobacco and rice, the growers of corn, the breeders of cattle, the proprietors of houses and wharfs, know with certainty that they may not only have peace with Great Britain, but peace in perfect security, that they never shall in future be taxed, except by their own representatives, in their own general courts or assemblies; all such men will, all such men must be, disposed to consent to a re-union with, and dependence on Great Britain on such terms.

When they are recovered from the frenzy of fear which has so long distracted them, they will see, in its true light, the government under which they now live; instead of a fœderal republic, composed of free states, of which they dreamed, they will find and feel, when they are awake, the hard hand and rigorous controul of an

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aristocratical government. It is in vain to impute blame to the rulers for this rigour and severity. Usurpation must be maintained by force: and if the mayor of New York, and some of the best and most respectable citizens of that city, have been imprisoned in the most arbitrary manner, and tried and condemned, contrary to all legal forms; if the good people of Albany have been under persecution; if the Quakers have been banished for conscience sake; if every man who has continued faithful to his King and country; if every neutral and moderate man be surrounded by spies and informers; if their motions be watched, their steps counted, their letters opened, their houses entered, their papers seized, their persons imprisoned, without cause assigned, or charge exhibited; these are the necessary and inevitable consequences and effects of such a government.

When the people compare their present state and condition with that mild and equal government under which they lived, grew, prospered, and flourished, that recollection cannot pass over their minds without touching and reviving some of the affections and charities of former relation and connection, which, though covered and obscured, are not, I trust, obliterated by the present most unhappy animosities. They will be at liberty to compare their dependence on Great Britain, on such terms, with an alliance with the court of France. To Great Britain they are united by religion, government, laws, language, habits, affection and relation. From Great Britain they derive their spirit and their love of liberty; and from the charters, granted by the kings of England, and the usage under those charters, which is certainly the best interpretation of them, they derive those free constitutions, on which they justly set so high a value. They must, when they are at liberty to make an election, be carried, by the irresistible impulses of the human heart, towards that country which they used to call their home.

An alliance of the British colonies with the French king, against their mother-country, is most unnatural, and can only be dictated by despair. The alliance of a high-spirited free people with a despotic government; the religion of the severest Protestants, with a great, powerful, and ambitious Catholic state; the plain and simple manner of the Americans, with the fashions, customs, and character of a high-polished and luxurious nation. The clay and the metal will not cohere. Misery may make men take up with strange companions for a time, but such connections cannot long subsist; and indeed we have seen, in point of fact and experience, that the manners and habits of the French and the Americans do not accord better the more they know each other, as most of the French officers who served in general Washington's army, quitted that service before the close of the campaign.

But it is said, that it is now too late to offer these terms of peace to the revolted colonies, and that at this time no success can be expected from the commission to treat with them. Sir, it is my humble opinion (which perhaps at first sight may appear somewhat singular and refined) that these measures at this time have a fairer prospect of success, than they would have had at the beginning of the troubles. In the first conflict of their passions after the standard of revolt was set up, in the first fits of their resentment, they were perhaps more intractable and unmanageable, more animated against this country, more deaf to the call of reason, the feelings of nature, or the motives of interest, than they may be when the bills and the commission arrive in America.

They have suffered the distresses and calamities of war raging in their provinces, which I lament as much as any gentleman in this House, or in this kingdom; but which, in my conscience, I think the violent counsels of the leaders of independency have brought upon them. They have been put to feel the galling yoke of the government which they have chosen. They have had time to think. They have had *spatium requiemque furori*. But the great leading consideration is this: men, under the pressure of any real or imaginary grievance, submit with wonderful patience to every personal and domestic distress; they can see, without depression of spirit, their wives, their children, and all that are dear to them, without the comforts and even necessaries of life. For where the greater malady is fixed, the lesser is scarce felt. But concession, and a redress of grievances, will restore them to a sense of feeling. When the mind is free, the body is delicate.

Such is the reasoning, and such are the conclusions upon which my hope of the success of these most arduous and important measures is formed. It is grounded also on the best information of the present state of the temper and turn of the minds

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of the people, which I have been able with some diligence to procure. I have conversed with many persons of knowledge and credit; I have read many letters conveying the opinions of intelligent writers on the subject; and though I am aware that all such intelligence ought to be received with great caution, and that it often comes to Great Britain discoloured by the prejudices through which it passes in the minds of the persons who speak or write on the present contest; yet I think I am justified in believing, from all the evidence taken together, that the ground is in many places prepared for the seed.

But it is said, that a great obstacle to the success of these measures still remains; for though it be granted, for argument's sake, that many men of property and moderate principles may be inclined to return to a dependence on Great Britain on such terms, will they be able to accomplish their wish, and to carry their inclination into effect? It must be confessed, that nothing but a pretty general consent of the community can bring the leaders to listen to any terms of accommodation with Great Britain. Sir, I own I entertain an idea, that the turn and temper of the minds of the majority of the people in the colonies, at this hour, somewhat resemble those of the people of England just before the Restoration. When the reins of government fell from the weak hands of Richard Cromwell, and when Fleetwood and Desborough, with the Rump Parliament, governed the kingdom, the Presbyterians joined with the Royalists against the dominion of the Independents, and the tyranny of the army. When Monk moved from Scotland, nineteen men of property out of twenty wished for the restoration of the old government. At the head of his veteran forces he called a free parliament, after he had extinguished the power of Fleetwood and his officers. Monk did not force the nation to recall the royal family; he did nothing more than, with great management and address, conduct and support the inclination and wishes of the community. When the gracious Declaration from Breda was circulated through the nation, and the King's letter to the Commons was delivered by Mr. Grenville, and read in the House, the whole country started into action, and the Restoration was brought about with a rapidity and effect perfectly inconceivable some months before; and when the king arrived at Canterbury, and was received with such acclamations of joy and expressions of affection, he asked where all the men had lived who had done so much mischief? It will be answered, and cannot but be admitted, that there are many circumstances in the two cases dissimilar; but I hope and trust, that, with respect to the inclination and wishes of the people at both the periods, the resemblance will be found to be strong. But be that as it may, and whatever be the event, I shall ever think that the measures which these Bills are calculated to carry into execution, will and ought to do great honour to the noble lord who proposed them to parliament.

The Bill was then read a third time.

Lord *North* then moved, That the Bill declaring the intentions of parliament relative to taxing America be read a third time.

Mr. *Walter Spencer Stanhope.* Sir: the awe and embarrassment which oppresses every attempt of mine to speak in this House, and which I feel particularly oppressive at this moment, is sufficient at all times to keep me silent. It has done so through the course of this session hitherto, and would do so now, but that after a regular attendance during every stage of the progress of a bill, unexpected, important, as the present, were I now, at the third reading, to let it pass without saying a few words upon the subject, it would be, in my opinion, for ever to close my lips in this House, and *de pedibus ire in sententiam*, as long as I may have the honour to sit in it for the future. Sir, the noble lord, on his first introduction of the Bills now before you to your consideration, did very candidly, and with great propriety, call for the clear, unbiassed, well-considered opinion of every member in the House. It is my purpose, Sir, to give what I do assure him is an unbiassed and well-considered opinion. I will endeavour to make it as clear as I can, and as short. With respect to the time when it has been thought expedient to bring these propositions before the House, I shall say very little. If it should appear that the golden opportunity has been suffered to escape, causelessly to escape, and by the shameful delay of two or three weeks only; then, Sir, it must become matter of highly criminal inspection, and of solemn judicial inquiry, hereafter. At the present, therefore, I forbear to give any opinion upon it; for, late as this measure certainly was brought in, when it did come, it was introduced by a speech from the noble lord,

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that breathed such a spirit of candour, and glowed with such a fervency of expression; he shewed, in a situation certainly somewhat awkward and embarrassing, such earnestness of mind, and sincerity of heart, to effect the good work of peace; his concessions were so ample, his plan was so promising, that I own, for once, I wished him heartily success. I was willing to hope the time was not yet too late, the opportunity not yet past; I wished no advantage in debate might be taken of any unguarded expression, any imprudent declaration, he might in the honest warmth of his discourse have incautiously hazarded: for such there undoubtedly were: as, "That taxation was at no time, in his opinion, an object worth fighting for; that the Congress, in 1774, made claims totally inconsistent with any dependence whatsoever upon this government; when, in 1775, he sent over only 5,000 men to encounter a claim so hostile and alarming." These were imprudent and unwise assertions; but I wished them to pass unnoticed, when I heard him state, as the first part of his plan, "That in order to induce the colonies to treat concerning the repeal of acts of parliament, when, by the very act of treating, they must, by way of preliminary, and virtually, at least, renounce the independence they have asserted, it would be necessary to assure to them some previous and considerable advantage, by way of equivalent; therefore taxation for the future should be renounced." And here, that I may not have occasion to recur to it hereafter, I must fairly say, that the Bill for the relinquishment of taxation is perfectly consonant, not only to the letter, but to the spirit of what the noble lord then advanced. The ambiguous expression of the "exercise of the right of taxation," has been struck out, the immunity has been extended to the West Indies, and a clause has been admitted to repeal the Tea Act.

I am extremely sorry I cannot give the same commendation to the other Bill. Let me recall to your recollection, Sir, the manner, and the ground upon which that was introduced by the noble lord, as the subsequent part of his plan. He told us, "that on account of the distance of America from hence, of the want of any persons present here, who could consent on her part, and for a variety of other reasons, it was impossible the treaty could be negociated in parliament; therefore it became necessary to appoint commissioners, to be entrusted by parliament with very extensive powers, both with respect to persons and things, particularly with the very extraordinary power of suspending acts of the legislature: that for this measure, extraordinary as it was, a precedent was to be found; a similar power had been vested by parliament in commissioners in the reign of Charles the 2nd." In this manner, Sir, was the Bill first introduced to the House; and so introduced, I gave it my hearty assent. Ought the vote I then gave to influence and direct my vote of this day? Should I be inconsistent in now disapproving this Bill? Or is this Bill no longer the same, either in its principle or provisions, as that for which I have already voted? This, Sir, is what I mean to examine; for I still think the measure, as it was first explained, a measure of wisdom; and have heard no arguments that have changed my opinion in that respect. I am not at all alarmed, either by the argument of a very learned gentleman, the Lord Advocate of Scotland, early in this business, who endeavoured to point out the pernicious consequence of allowing a suspension of the prohibitory Bills, or by the forcible manner in which he endeavoured (as he expressed himself) to drive it out of the noble lord by dint of reasoning; and if he failed in that, intreated him, upon his knees, again and again, to consider, before he allowed of such a power, before he admitted a possibility of the Americans pouring unmolested into the harbours of France and Spain, the collected produce of three successive harvests, the greatest part of which our frigates had blocked up in their warehouses. He was answered, that the Acts of Navigation would take place upon such a suspension, and those the commissioners would have no power to suspend. That answer, in my opinion, does not at all apply to the objection of the learned gentleman. The Acts of Navigation are, to all intents and purposes, at this moment suspended; and so they must remain, till peace is thoroughly re-established throughout America. Great Britain cannot perform the part she stipulates to perform by the Acts of Navigation. She has no officers in the respective ports of America to grant the clearances, permits, or those papers, by whatever name they are called, without which she expects no American vessel to navigate the seas. How, then, is it possible, in justice, or in common sense, to expect that America should perform the part required of her by those Acts, or submit to

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the alternative of paying you a heavy penalty for sailing without those papers, which it is impossible for her to procure, which it is not in your power to furnish her with? But was the objection ever so well-founded, or ever so alarming, there is one short answer to it; that the power of suspending the prohibitory Acts, that is, of declaring a suspension of arms by sea, appears to be absolutely necessary for the purpose of bringing on any treaty at all, or even any conference about a treaty. Not, Sir, that I think there is the smallest reason to be alarmed at the effects of such a suspension. The commissioners may grant it upon condition; though I own my opinion is, that they will be obliged to grant it without any condition at all. But at first it will undoubtedly be only for a very short time, much too short for the evil consequences to ensue which the hon. gentleman seems so much afraid of. Indeed, the commission itself cannot take up any great length of time; and, in all probability, the gentlemen will be able to judge, almost to a certainty, of the event of their negotiation, in a very few days after their landing.

Another objection was hinted, with much appearance of delicacy, by a right hon. gentleman of great and approved talents for foreign negociation (Mr. Hans Stanley.) But, Sir, so far from bearing hard against the Bill, it is, if any thing, an argument in favour of it. It was this; that if once we admitted the independence of America, so far as to commence a treaty with her as such, what reason could we give why France or Spain should not do the same? And was it not highly probable they would? Sir, if we are so thoroughly exhausted and debilitated, and our spirit bowed so very low, as to crouch and humble at the power of France, and meanly acquiesce in her insults and encroachments; in that case, the idea of the right hon. gentleman may serve us for a miserable pretext to hide our weakness and our shame. But if we have aught of our former vigour left, or a spark of our ancient enmity remaining, such a flimsy pretence, I am sure, will never divert the resentment, or for a single moment suspend the vengeance that haughty power deserves but too abundantly at our hands.

Another right hon. gentleman (Mr. Welbore Ellis) objected very roundly to the Bill, because he thought it did in effect give substantial independence to America. So far, Sir, I shall agree with him, that the terms this Bill holds out are so near independence, that, though certainly much less disadvantageous to this country, the difference between them is not worth fighting for; most indubitably much less worth fighting for than taxation was: and the noble lord has lately found out, that he never thought that an object worthy the contest. This, Sir, however, can be no argument with me, who hold, that, heavy, and almost intolerable, as the loss of America must be, it is less destructive totally to relinquish, if we cannot by treaty regain, our right to that of which we have been unable to retain the possession, than desperately to risk the very existence of this country and our happy constitution, upon the hopeless attempt to subdue by arms the whole continent of North America. With respect to the effect of these concessions producing all but a nominal independence to the colonies, that, Sir, I think, will very much depend upon the manner in which the continental paper-money shall be funded; for funded it must certainly be, if the collection of the taxes to be levied for providing the interest of such funds is entrusted to the hands of the crown. On the crown the Americans will still remain dependent. The old policy of king William, the present policy of the nabob of Arcot, will be renewed across the Atlantic; all the monied men there will be interested to support the funds, and the government who have the management of those funds. And then the high tone of prerogative and supremacy will cease there, as it has done here, and in its room the milder voice of influence will be heard and attended to.

Having gone through these objections, and attempted to shew why my opinion is not affected by them, I recur to the question: Is this Bill, either in the letter or the spirit of it, conformable to what the noble lord gave us to expect, when he first introduced his propositions? He quoted a precedent in the reign of Charles the 2nd. I have examined that precedent. The Act is the 19th of that prince, cap. 13. It was made with a view to bring about an union with Scotland, and enacts, "That twelve commissioners be appointed, with full power and authority to suspend, &c. according to their discretion." In conformity with this precedent, the noble lord brought in his Bill, which runs, "That commissioners be appointed, with full powers to agree, to treat, to suspend, and to pardon, according to their wisdom and

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discretion." In this shape the Bill was committed: but in that committee it has been so materially changed in its clauses, so fundamentally altered in its principle, that I do not hesitate to pronounce every man perfectly free of the charge of inconsistency, who, having voted for this Bill at the outset, shall reject it now, as no longer what it then pretended to be; nay, there is but one possible reason upon which I should think myself justified in consenting that the Bill should pass, and that is, that I have it not in my power to amend it; and, imperfect as it is, it is better than no Bill at all. But let us examine the alterations that have been made. They were introduced by the learned Attorney General, without any argument, and with but one very short observation, which had more the air of a *dictum* from the bench, than that of free discussion which is usual in committees. All he said was, that it was thought necessary to make the amendments that were made, lest the clauses, as they stood before, should interfere with the instructions under which the commissioners were to act. It was not shewn wherein the clauses might interfere, or whether their interference, if any there might be, would be prejudicial to the purposes of the Bill or not; but, simply and shortly, that it was thought necessary to make them. The necessity of so doing has not been demonstrated to me; and so far from being able myself to discover it, I can see innumerable reasons against it. What is it that gives occasion for this Bill in the first instance, that makes it expedient to entrust to commissioners the high and dangerous power of suspending acts of parliament? Is it not the pressure of the time, the vast distance of America from hence, the complicated nature of the acts she complains of, that can alone justify the law we are now passing, that suggests to us it is better to hear before we determine, to suspend rather than repeal, and to delegate that power of suspension to the wisdom and discretion of commissioners upon the spot, rather than blindly to exert it in the ordinary course of legislation here? To this purpose was the precedent adduced; to this it is strictly in point; and as strictly and absolutely decisive against the alterations made in the committee. The Act of Charles the 2nd appoints commissioners with full powers to suspend certain acts and clauses of acts of parliament even here in England, at no greater distance than Newcastle, or Berwick upon Tweed. Is not the argument then incomparably stronger in this case, where the place of treaty is to be in America, across 3,000 miles of ocean? Yet, notwithstanding this precedent was produced by the noble lord himself; notwithstanding the ground upon which the whole Bill is founded is, that plenipotentiaries upon the spot will be better able to judge what is fitting to be done than parliament, or any other persons who are not upon the spot; notwithstanding this, the committee have thought proper to expunge every word in the Bill that extended to give a discretionary power to the commissioners, without which the Bill becomes, in my opinion, absolutely waste paper: and as it now stands, it is solely to vest in his Majesty's ministers a suspending power out of parliament, and that the form of it shall be by way of instructions to commissioners, instead of the usual mode, by Bill in the two Houses. This is a thing for which no precedent has been, or can be, produced; it is directly in the teeth of the precedent produced by the mover of the Bill; and will itself form a new one, of a more alarming and destructive tendency, than all that any violent or despotic minister has yet been able to warp to an evil purpose. Why are we to do this? Why are we to trust nothing to the discretion of the commissioners who are to go to America, and repose unlimited confidence in the superior wisdom and discretion of the ministers, who are to remain here? Have we hitherto found their wisdom so preventive, their foresight so intuitive, or their information so infallible, as to prefer their bare conjecture at this distance, to the actual observation of those who will be upon the spot? But further, Sir: it should seem as if this demand which is now made to parliament, to delegate their own essential and peculiar rights; questionable as it is with respect to their power constitutionally to do it; highly disagreeable, and to be justified only by the most extreme necessity, as the exercise of so delicate a power, supposing them to have it, must be: it should seem, I say, as if what is now required was not sufficiently unpalatable in itself, but that peculiar pains had been taken to render it still more disgusting. We are neither permitted to have the nomination of the commissioners, which, I think, would have been highly proper, nor are even thought worthy to be told the names of those whom we are about to invest with an authority greater than the sovereign himself possesses. Yet this authority, under

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these circumstances, am I willing to give them; because I hold it to be indispensably necessary they should have it. But if it be so indispensably necessary, I ought not only to be willing to give it them, but absolutely certain they should have it. Can I say, as the Bill now stands, that I am certain of that? Do I not know it is liable to be fettered by restrictions I have not consented to, and mutilated by instructions I may never see; nay, which I presume I never shall see? For those who could refuse us a sight of the instructions to lord and general Howe, without even the slightest pretence of a reason for so doing, will undoubtedly be equally unwilling to indulge us with a sight of these, even after the event of the commission shall have been determined; as was the case when those former instructions were moved for and refused. And yet I was told by a leader of that majority who refused me so much as a sight of those instructions, that there was a constitutional remedy to resort to in this case; that the ministers stood answerable for the instructions they gave; responsibility rested, as it ought to do, with them, as principals, and not with the commissioners acting under their directions. Sir, in the pure and virtuous times of the republic, when Rome was Rome, I know that there was really a power in the state, that could make ministers feel and tremble for their responsibility. I have read of ministers that have lost their heads, on account of the civil troubles their oppressive government has occasioned. But in these days, with parliament so constituted, with the power of the purse so unlimited, when the very individuals that blame and condemn ministers without doors, support and vote for them within, to talk to me of the responsibility of a minister, is a mockery and insult to my understanding; and I should pay as much attention to a grave dissertation on the enforcement of knight's service, or the legality of ship-money, or any other obsolete question, as to an argument founded on the responsibility of ministers.

Sir, the more I consider the reasons I have urged, the more I am convinced the Bill ought not to have been altered in the manner it has been; but yet, changed and mangled as it now is, and ineffectual as I much fear it will prove, I am not ripe to give my voice against it; I dare not do it. I dare not reject any attempts, however feeble and unpromising, that have peace with America for their object, particularly this, which is the first symptom of a change in that distempered and fatal system which has reduced us to our present miserable condition. I shall rejoice exceedingly to find that that reason has the same weight with other gentlemen it has with me; and that, disapproving, and despairing of good from the present Bill, they will yet forbear to give it any violent opposition, and suffer it to pass at least without a division.

I cannot sit down without observing how very extraordinary it is, that the Secretary for the American department, the great efficient officer to give effect to these bills, has thought proper to observe the most profound silence concerning them, though he has constantly attended every stage of their discussion. I stile it only extraordinary at present; because I trust he has reserved himself till this day, to give his opinion at large upon them. But should he persist in his taciturnity, and cautiously shelter himself under a reserve he may deem as prudent as it is mysterious, his conduct will surely then be highly disrespectful and indecent to this House. What! shall we trust the correspondence with the commissioners, the instructions to be signed, the principal direction of this great work of conciliation, to a man, whose sentiments, the last at least he has thought proper to declare upon the subject here, were, that he would sooner cut off his right hand than sign a treaty with rebels with arms in their hands? Has he changed his opinion in that respect, or does he hold this House too cheap to tell them whether he has or not? I cannot persuade myself, Sir, that this can be the case; and therefore, all I have further to say is, that if it were in my power, it is by no means my intention, to force the noble lord to get up so early in the day. I am too conscious, that when the great leaders in this House take an early part in any debate, they illustrate the question with such pointed argument, they illuminate it with such brilliant eloquence, that it is impossible for any young and unexperienced member to attempt to get up after them. Happy for such it is, if they can catch a moment before the attention of the House has been too long tried, or the question too much exhausted! They will then find that patient indulgence with which I have been honoured this day. No one, I fear, could deserve it less; none, I am sure, can be more grateful for it.

Mr. *Moreton* ironically congratulated

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lord North upon the cordial assistance he had received from his new allies. But said, the taxation Bill could not pass into a law, without a new constitution in America; because the subjects of Great Britain, wherever they are, are taxable by the parliament of Great Britain, whose power has no bounds. If the Americans are not taxable, he desired any lawyer or politician would shew him by what law they were exempted; and if they are not exempted by any law, he desired the gentlemen of the learned profession to which he had the honour to belong, would tell him whether they were exempted by the prerogative of the crown; and if so, whether it was in any of their charters. He knew of but one, Maryland; and the man who put the seal to that charter ought to have been impeached. If they were not exempted, either by law or the King's prerogative, they still remain taxable; unless some gentlemen did suppose parliament had lost its right of taxing them, by non-usage. He dreaded, therefore, the consequence of this measure even more than the doctrine. —He then went into a statement of the danger of raising money in America by requisitions from the crown; by which revenue, so raised, the King might be enabled to govern this country without parliaments. Next, he went into an enquiry, what could give rise to this sudden conversion, that in all ages and countries was commonly attended with some material communications or visitations, such as, they met somebody on the road, or going into the city, who had illuminated their understandings. That as none such had come to him, he must remain in his old opinion, unconverted.

Mr. *Henry Dundas* said, that while he thought it was practicable to tax America, he was always for it. But when general Howe was obliged to leave Jersey, he began to entertain doubts of its success; and the misfortune to general Burgoyne afterwards was experience sufficient, and warranted him in saying, that the taxation of America by the British parliament had been found to be impracticable. No miraculous illumination could ever persuade him that government should attempt impracticable things. If we are not able to subdue America by force, we must mix with our measures something that may lead to conciliation.

Mr. *Gilbert*, after expressing his concern that the affairs of the public were greatly neglected, and that a committee should be appointed to enquire into the expenditure of the public money, particularly into the exorbitant contracts and abuses of office, and the exorbitancy of office fees; declared his resolution, to propose a tax of one fourth upon the incomes of all placemen.

Mr. *Wilkes* said:

Mr. Speaker; I have not given the least opposition to the progress of either of the Conciliatory Bills, which have been brought into this House by administration. I thought it the part of candour to acquiesce, to suffer the Bills to go through the committee without interruption, and to receive every improvement, which the noble lord with the blue ribbon, who first introduced them among us, or any of his friends, chose to suggest or adopt. We are now, Sir, in possession of a plan, with much care revised and corrected by the ostensible minister here, in the full expectation of its being equally pleasing and palatable on both sides the Atlantic as well as this House. The great outlines indeed, Sir, opposition must approve, for they are undoubtedly their own. They were long ago traced out by themselves, although the spirit of them now is gone. Other means than those of coercion have been long steadily urged. The noble lord with the blue ribbon has as liberally borrowed their ideas as the Chancellor of the Exchequer means to borrow their money on Friday, when he opens the budget. The gentlemen on this side the House have frequently proposed a revision of all the Acts complained of by our American brethren. Above three years ago a parliamentary revisal of those statutes was warmly pressed on the minister, and it is not three months since I had the honour of submitting to the House a motion for the repeal of those very Acts, which, in a less constitutional mode, commissioners are now to be authorized to suspend. I made that motion, Sir, while America was still free to negociate, still free from all foreign treaties, or solemn engagements, as independent states, with any of the great powers of Europe. There is scarcely an idea in either of the two Acts, for gentlemen seem to agree to consider them together, which has not been suggested by opposition. The "cessation of hostilities on the part of his Majesty's forces by sea and land;" "the granting a pardon or pardons to any number or description of persons within the said colonies, provinces, or plantations;"

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"the treating, consulting, and agreeing, with any body, or bodies, politic and corporate, or with any assembly, or assemblies of men, or with any person, or persons whatsoever, of or concerning any grievances, or complaints of grievances existing or supposed to exist in the government of any of the said colonies, provinces, or plantations respectively, or in the laws and statutes of this realm, respecting the same;" "the treating of any aid or contribution to be furnished by any of the colonies, provinces, or plantations respectively;" "the not imposing any duty, tax, or assessment whatever, payable in any of his Majesty's colonies, provinces, and plantations in North America, except only such duties as it may be expedient to impose for the regulation of commerce;" all these important considerations have been repeatedly urged to the minister, while the sword still slept in the scabbard, before the late deluge of the blood of the subjects of this empire in an unjust and unnatural war. At last more is offered than was asked. A repeal of all the obnoxious Acts since 1763 only was proposed. The minister now agrees to sacrifice the statutes of almost another year, for he gives up all the Acts since the 10th Feb. 1763, the infamous æra of the Peace of Paris, by which the most valuable conquests of a glorious war were sacrificed. Whence can such a change arise?

I observe, Sir, that several gentlemen have this day mentioned their conversion, the æra, and cause. A very learned advocate (Mr. Dundas) has said, that he was converted when sir W. Howe was forced to retire from the Jerseys. Another hon. gentleman (Mr. Baldwin) tells us, that he was converted when general Burgoyne capitulated at Saratoga. Washington and Gates, Sir, are certainly very powerful apostles. I should not be surprised, if general Howe himself was at last converted. I believe the æra of the noble lord's conversion is not far distant. I suspect it happened at the successful moment of the late American negociation in France, which I greatly fear has established their independence. It is impossible not to be charmed with the gentle, meek, supplicating, humiliating tone of the noble lord at the present moment. We hear no more of the condign punishment of traitors, of the vengeance of the state against daring rebels. The harsh discord of war no longer grates on our ears. Peace, harmony, reconciliation with our brethren, are the enchanting sounds, with which we are now ravished. The terrible, exterminating minister of wrath no longer alarms the revolted colonists with *Quos ego*—The noble lord, with no less policy than pity, soothes them, and in mild accents says, *motos præstat componere fluctus*. I much fear however, Sir, the colonies will never be gathered together again under his ministerial wing.

The Conciliatory Bills are in my opinion more calculated for this country than America. They appear only meant to keep the minds of the people quiet here, and to amuse this kingdom, not to regain the colonies; but I trust the day of reckoning and exemplary punishment approaches. The present dead calm forebodes a furious tempest. The Bills hold out what ministers know to be a fallacious hope, a reconciliation with the colonies on terms short of independence. The object is merely to screen ministry from the indignation of the public, and the vengeance of the people. There can be little doubt of this, when the very words of the Acts, in the state they first appeared here, are considered. The preamble of one of the Acts was, "Whereas the exercise of the right of taxation by the parliament of Great Britain for the purpose of raising a revenue in his Majesty's colonies, provinces, and plantations in North America, has been found by experience to occasion great uneasiness and disorders, and has by sundry misrepresentations been made the means of misleading many of his Majesty's faithful subjects." These words are a kind of second Declaratory Act, in which the right of taxation is asserted at the instant you give commissioners power to suspend it. Was this meant as a healing measure? Could ministers really intend to confer a favour, as they affected to think, and yet chuse the most offensive, the most obnoxious, the most galling expressions? The preamble to one of the other Conciliatory Bills is liable to the same strong objection. It is, 'for the quieting and extinguishing 'of divers jealousies and misrepresentations 'of danger to their liberties and legal rights, 'which have misled many of his Majesty's 'subjects in the colonies, provinces, &c.' Must not such expressions be necessarily considered by the Congress as the language of high and direct insult? The commissioners must derive all their powers from these Acts of the legislature, in which the Americans were accused and upbraided. Are these the winning, persuasive arts of

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peace and reconciliation? Was a reconciliation really intended, or have ministers only in view to delude the nation, and to incense them against the Americans, with the absurd hope of at last compelling them to an unconditional submission?

Administration, Sir, thought the game desperate, and had only in view their own safety, the preservation of their power, and perhaps a facility in the ensuing loan. They knew the solemn declarations of the Congress to some of the greatest powers of Europe so early as December 1776, and confirmed last November, the basis of which rested solely on their independence. They possess it *de facto*. I fear we shall be obliged to give it them *de jure*. If the present propositions are rejected, we cannot hesitate in preferring the acknowledgment of their independence to an expensive and bloody war, in which at last conquest is admitted to be an impossible and frantic attempt. We ought to enter into a fœderal union with them, and endeavour to secure the advantages of the most important trade with America by a commercial treaty, which would be reciprocally advantageous to both countries—unless, indeed, the eloquence of our commissioners can effect what the force of our arms has in vain attempted, their relinquishing the claim of independence. The administration are perfectly acquainted with the various commercial engagements of the colonists, from which they cannot recede. It appeared likewise that the military as well as the civil have concurred in reprobating every idea of a dependance on this country. The sceptre of America is departed from Britain. Three months after the British army had taken their capital, the seat of the Congress, Philadelphia, Washington gave it out in general orders from head quarters, Dec. 17, 1777. "We may on the best grounds conclude, that by a spirited continuance in the measures necessary for our defence, we shall finally obtain the end of our warfare, independence, liberty, and peace." In October 1774, the Congress humbly supplicated his Majesty for peace, liberty, and safety. Since that period, safety had been secured to them by their own prowess, except indeed on some parts of their very extensive coast. They had since been driven into independence, and began to taste its sweets. We had cancelled all the ties by which the two countries were long held together; and since we had forced them into a very reluctant warfare, they held to the people and the army, as its great end, the manly language of independence, liberty, and peace. America was driven to desperation. It is now, as to us, a bosom friendship soured to an implacable hatred. We have wantonly burnt her towns, butchered her men, women, children, even infants at the breast, massacred the captives in cold blood, scalped the dying and wounded, and carried fire and sword through her most fertile provinces. What a contrast has her conduct been to a whole British army, and general, who capitulated! What a nobleness in turning away from the humiliating spectacle of English soldiers piling their arms by word of command from their own officers! Are our ministers weak enough to expect to cajole America with a parchment act, at the moment they declare that they despair of conquest by the sword? The idea must to them be perfectly ridiculous, when the Americans recollect that the noble lord with the blue ribbon, at the beginning of the war, had prophesied that they would be soon at our feet, and the noble lord at the head of the American department had insisted on unconditional submission. The Americans had now tried their strength, and found their resources, both on their own continent and in Europe, adequate to all their views. They saw the world in admiration of their firmness and fortitude, in the warmest applause even of their military achievements. The zeal of the French nation in their cause rose to the highest pitch of enthusiasm; and even this island might say to America, in the words of Horace, "te cæde gaudentes Britanni compositis venerantur armis."

The hon. gentleman, Sir, who made you the motion for the third reading of the Bill, says, the Americans will see, "that we do not mean to tax them." They have no confidence, Sir, in any of our professions or promises. The act of parliament of the session, or the secretary's official letter, they hold in equal contempt. In 1765, there was so great a stagnation of our commerce in consequence of the Stamp Act, that in the following year that unjust, as well as uncommercial Act, was repealed, and all the sources of trade between Great Britain and her colonies were again opened, and flowed in abundance. Notwithstanding this, in the very next year, duties to be paid in America were imposed on tea, glass, paper, and other articles, which

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threw the whole empire again into convulsions. America saw that we were not to be confided in during the short period of a single year, and that no tie, even of our own interest, could bind us to any terms of future security for them. It is impossible, without the highest indignation, to reflect from what a height of prosperity we are now in consequence fallen into an abyss of misery and ruin. The dispositions of America in 1766 were most friendly and affectionate. The wise measure of the repeal of the Stamp Act diffused universal joy through the thirteen, now revolted, colonies. At Philadelphia in May 1766, they unanimously came to the following resolutions: "That to demonstrate our zeal to Great Britain, and our gratitude for the repeal of the Stamp Act, each of us will, on the 4th of June next, being the birth day of our most gracious sovereign George the 3rd, dress ourselves in a new suit of the manufactures of England, and give what homespun we have to the poor." What were the unanimous resolutions of the Congress not ten years after, in the very same town?—Our enemies have published them to the world with mockery and triumph. With what perfidy has the province of the Jerseys been treated! When that province returned to its allegiance, was it restored to the free exercise of its trade and commerce, and to the same protection and security as if it had never revolted? Or did that province continue under the ban of the empire, as a lucrative job to the friends of the minister? Yet the minister, in the King's name, at the opening of the session of parliament in Oct. 1775, solemnly held out such promises to the Americans. It is impossible that the colonists can have any confidence in such ministers, or their agents, or commissioners; and unless men, as well as measures, are changed, no permanent reconciliation can be effected. Our perfidy may, indeed, possibly be retaliated upon us in a mock treaty and a delusive negociation; but no stable, solid peace can be obtained with the Americans by the authors of their grievances.

The ear of England, Sir, is rankly abused by ministers who pretend to assure us of pacific dispositions in the colonies, and a desire to return to their dependence on the parent state, when not the least symptom of such a nature has appeared. Has the Congress, or any one colony, made the least overture to a reconciliation, since their declaration of independence? Have not the Americans expressed the utmost abhorrence of the ministers, who are to nominate the commissioners, instead of a disposition to treat with them? and will they entertain a more favourable idea of their creatures? I must declare that I see nothing in the intended negociation, but disgrace and humiliation on our part after our repeated injuries, except indeed a lucrative job for five bold, hungry dependents of the minister. Would to God, Sir, I may be mistaken, and that the commissioners may return to Europe with unenvied wealth and bloodless laurels! Their grateful country will honour them to its latest posterity, and their fame will be immortal.

An hon. gentleman (Mr. Burke) one of the greatest ornaments of this House, says, that he "observes great benevolence among us towards the Americans." I heartily wish that I could discover it. Among three sets of gentlemen, mentioned by him, I fear the Americans have very few friends. All the dependents of administration, the large majority in this House, who have voted all the cruel and oppressive Acts now to be suspended, have certainly no great benevolence towards the Americans. Those, who are accustomed to pace in the trammels of a despotic minister, and to be obedient to his sovereign nod, naturally abhor the enthusiastic love of liberty, the uncontrouled spirit of the sons of freedom in America. I suspect likewise that there is not much good-will towards our fellow-subjects in the colonies, among the inhabitants in the northern parts of our own island. It would be a curious speculation to investigate the causes of the marked hatred of the Scots in general to the Americans. Is it, Sir, that although some small parts of America are almost over-run with Tories, as others are with different destructive animals, yet there scarcely ever was found a single Jacobite in all our colonies? Are the Scots in despair, because they have not been able to find any thing in North America congenial with them? They cannot there mingle treason with treason. Is it that, believing the present resistance in the colonies to partake of the nature of a true rebellion, they are jealous of such an usurpation of the Americans on their peculiar prerogative? Scotland seems, indeed, the natural *foyer* of rebellion, as Egypt is of the plague; but, Sir, no monopolies in this commercial country are permitted. Manchester and Liverpool would oppose such

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a monopoly, and justly claim no small share in it, from their vigorous efforts in favour of the Pretender in 1745. It will, Sir, be a new and curious spectacle in 1778, to mark the North pouring forth her hardy sons to quell an American, not to aid a native, rebellion, carefully nursed in our frozen bosom, and afterwards in a tainted part of England kindly tendered and fostered in its progress to the South. The third set of persons, lately mentioned, are the country gentlemen. I respect the character, but I fear many of them are hostile to America and American rights. They are for the most part steady, not burthened or perplexed with many ideas, and perhaps with few of a very liberal nature. A single principle appears of late to have governed them. They hoped to throw off from their shoulders on the poor Americans a considerable part of the enormous burdens, under which they groan, of the debts of their late adopted German, and the present American, war. The noble lord with the blue ribbon had assured them of a solid and substantial revenue from America. On this plan of private œconomy to them the minister bargained for their support. Their disappointment, and the sense of his jockeyship, has undoubtedly much chagrined them—but I will not dwell on this subject. Their eyes seem to be opening, just as they are drowning.

Another hon. gentleman (Mr. Gilbert) complains, "that every thing respecting the public is in a great degree neglected, and that some of our most important concerns are scarcely regarded." He has accordingly, with much good sense, held out to the House the idea of a committee to examine into the expenditure of the public money during this war. I agree with him, that nothing is now secure, or indeed properly taken care of—except the Protestant succession. His proposals meet my full and warm approbation. Another committee, however, seems to me still more immediately necessary, a committee to enquire into the nature and causes of the failure of the Canadian expedition, for we cannot hide the nation's scar. I am sorry to be informed that the House is to be prorogued at Easter, for I fear we cannot in this session undertake both these important concerns. The enquiry into the Canadian expedition, the loss of a British army, and the horrid cruelties said to be committed on our fellow-subjects, are of the first importance, both to vindicate the honour of our sovereign, and the humanity of the nation. I am shocked, Sir, at the false rumours daily spread, and the foul reproaches cast on the common father of all his people. It is circulated in print, Sir, that on the 17th of October, after Burgoyne's capitulation, in which Gates demonstrated a refined sense of honour, unparalleled in European armies, the British general was received with respect, and dined with the American hero; that nothing unkind was said to him, except asking "how he could find in his heart to burn the poor country people's houses wherever he passed;" and that he answered, "that it was the King's orders." From all the letters of Burgoyne it has been repeatedly asserted, that the project of the Canadian expedition originated from the closet of the King, and the office of the American Secretary; and that the employing the savages against our fellow-subjects was among the primary ideas adopted on that occasion. The American Secretary, in a letter to general Carleton, dated Whitehall, March 26, 1777, says, "As this plan cannot be advantageously executed without the assistance of Canadians and Indians, his Majesty strongly recommends it to your care to furnish both expeditions with good and sufficient bodies of those men. And I am happy in knowing that your influence among them is so great, that there can be no room to apprehend you will find it difficult to fulfil his Majesty's intentions." In the "Thoughts for conducting the war from the side of Canada, by general Burgoyne," which were approved by the King, Burgoyne desires a thousand or more savages. Colonel Butler was directed to distribute the King's bounty-money among such of the savages as would join the army; and, after the delivery of the presents, he asks for 4,011*l.* York currency more, before he left Niagara. He adds, in a letter on our table, "I flatter myself that you will not think the expence, however high, to be useless, or given with too lavish a hand—I waited seven days, to deliver them the presents, and give them the hatchet, which they accepted, and promised to make use of it." This letter is dated Ontario, July 28, 1777. In another from the same officer it is said, "The Indians threw in a heavy fire on the rebels, and made a shocking slaughter with their spears and hatchets—The success of this day will plainly shew the utility of your excellency's constant support of my un-

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wearied endeavours to conciliate to his Majesty so serviceable a body of allies." This is a letter from colonel Butler to sir Guy Carleton, dated "Camp before Fort Stanwix, Aug. 15, 1777." Burgoyne's barbarous proclamation appears to be only a consequence of his sanguinary instructions.

General Gates's letters have informed the world with what savage ferocity and cruelty the Indians carried on a war, to which they were so strongly invited. An Indian campaign is known to be productive of every species of torture, to which the human frame is subject. In the last campaign scarcely fewer women and children in some parts where the war raged with the greatest fury, expired under the torture of the tomahawk and scalping-knife, than were killed by the sword or bayonet among those who bore arms. Colonel Butler's letter to sir Guy Carleton of July 28th says, "many of the prisoners were, conformable to the Indian custom, afterwards killed." Has the Secretary at War, (lord Barrington), yet thanked the savages in the King's name for their alacrity? I have not had time fully to examine the numerous papers on our table, and therefore I am ignorant whether we have any letter from his lordship similar to that from the War-office, of the 12th of May, 1768, "that having had the honour of mentioning to the King the behaviour of the detachments from the several tribes of Indians, which have lately been employed in scalping and tomahawking his American subjects, he has great pleasure in informing the general, that his Majesty highly approves of the conduct both of the Indian chiefs and the men, and means that his royal approbation should be communicated to them through the general. Employing Indians in such a service gives him [the Secretary at War] pain, but it is necessary. He hopes they will continue to perform their duty with alacrity. Every possible regard shall be shewn to their zeal, and they shall have the protection of the law, and this office, under every disagreeable circumstance."

Mr. Burgoyne held himself out as an active agent on this occasion, not by the slightest mention of any supposed military talents, but by such abject flattery of the American Secretary, as I hope no other man in Europe could commit. He declares in a letter to lord George Germaine, dated from Hertford-street, Jan. 1, 1777, "I humbly laid myself at his Majesty's feet for such active employment as he might think me worthy of. This was the substance of my audience on my part. I undertook it, and I now report to your lordship, in the hope of your patronage in this pursuit; a hope, my lord, founded not only upon a just sense of the honour your lordship's friendship must reflect upon me, but also upon a feeling that I deserve it, in as much as a solid respect, and sincere personal attachment can constitute such a claim." In his letter of June 22, 1777, he seems to have fully entered into the ideas of his principal; for he says, "that he met the Indians yesterday in congress, and gave them a war-feast according to their custom," of which war-feast we know the most solemn ceremony to be drinking human blood out of the skulls of their enemies. In the same conference he consents to the mangling of the dead, for he says that he "allowed the Indians to take the scalps of the dead." Surely, Sir, an enquiry into those horrors, and the failure of an expedition which has not only disgraced our arms, but degraded the name of Englishmen, and fixed a foul stain on our national character, is still more worthy of our enquiry than even the waste of public treasure, although we are, I fear, if the war continues, too near the brink of a general bankruptcy.

I observe, Sir, that gentlemen have this day been very fond of giving advice to ministers. I am not fond at any time of giving advice, but I will for once follow the example. My advice then, Sir, to administration is, to supplicate his Majesty to order an immediate cessation of arms in North America, and to recall his forces. Humanity and justice call aloud for this measure. The minister has at last confessed, we cannot conquer America. To what purpose then are more torrents of blood to be shed? The Americans will accept, or they will reject, your propositions. If they are accepted, the war is at an end by concession. If they are rejected, the end of the war, conquest, has been found, and is now acknowledged to be, impracticable. The shedding of the blood therefore of a single man for an object, which confessedly cannot be obtained, is not only unjustifiable, but highly criminal. Many of the measures of opposition have been at length adopted by ministers. I hope this, the most important of all, will have the same success. An immediate cessation of arms was proposed the very

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first day of this session, by an excellent young nobleman on this side the House (the marquis of Granby). It will do more than all your commissioners can without it. Perhaps it may save Howe from the fate of Burgoyne. It will give time for cooling on both sides, and at least shew that you are relenting towards your brethren, and eager for that peace and reconciliation, which alone can form the solid happiness of both countries, and must be devoutly wished by every friend to their mutual prosperity. It may save the fragments of this dismembered empire, for I own I shall tremble for the fate of Canada, nearly lost three years ago, as well as for Nova Scotia, the Two Floridas, and even the West Indian islands, if the powerful confederacy of the Thirteen United Colonies continues.

Sir, I heartily wish success to these Conciliatory Bills, and that we may regain by treaty what we have lost by tyranny and arms. I would agree to almost any treaty rather than continue this ruinous war, which has cost already above thirty millions sterling, and the loss of 20,000 men. I entirely approve the effort, although I have my fears that it is made too late. Still, *sat benè, si sat citò*. Let the experiment however be tried, and may both Britain and America again form one powerful empire on the principles of equal liberty, just, mild, commercial, and tolerant! We shall then be able to stand the shock of all the adverse powers of the world, again feared and respected abroad, and at home a great, united, and happy people.

The Bill was then passed.

Debate in the Lords on a Motion for the Attendance of the Surveyor of the Navy.] Feb. 25. The Duke of *Bolton* moved, "That the Surveyor of his Majesty's Navy do attend this House on the 2d of March."

The Earl of *Sandwich* said, that the enquiry into the State of the Nation had already been pushed further than was warranted either by prudence or policy; that with regard to the State of the Navy, for his own part, he cared not how closely the subject was investigated; but viewing the matter as a statesman, he could not withhold his objections to the present motion. It was not possible for it to answer any good purpose, and if carried, might do much mischief.

The Duke of *Bolton* replied that, from what the first lord of the Admiralty had so often said respecting the flourishing state of the navy, he little expected to see him rise and impede that inquiry which tended to prove what the noble earl declared he wished all the world knew. All he aimed at was to obtain authentic information, and at this critical period to convince the nation of the real state of the navy. No person was, surely, so proper to throw light upon the subject as the Surveyor of the Navy; the propriety or impropriety of the questions might be determined at the time of putting them. He meant not to inquire into the state of the ordinary, or to press upon any tender ground; but merely to interrogate as to the condition of the ships in commission, which he conceived to be a fair object of inquiry.

The *Lord Chancellor* said, that to examine the Surveyor of the Navy, who, of course, was in every secret respecting the state of the ships in actual service, or preparing for service, was, in his opinion, highly impolitic. The first lord of the Admiralty had repeatedly declared the navy to be in a flourishing condition, and he did not doubt but it was so. To what end, then, examine an officer at the bar, whose examination, most probably, would tend to divulge matters which ought to be kept secret? Two hundred questions or more might be put to him, for nobody could foretell either their number or their nature. It was no justification, therefore, of the present motion, for the noble duke singly to declare, that he would not press upon tender ground, much less was it a justification of it for his grace to remind their lordships that it was in their power to prevent any improper questions being put; such a prevention or refusal would have a worse effect than a compliance with every question that could be proposed; for men without doors would naturally imagine, that the answer must necessarily have been more alarming than possibly it would have turned out.

The Duke of *Richmond* said, he hardly knew in what manner to reply to the strange objection which he had just heard made to the noble duke's motion; the lords in office were determined to preclude parliament from reaping any benefit from the enquiry. There had not been a single proposition, tending to obtain information as to the real state of the nation, which had not been objected to, and denied since the enquiry was begun. To what end, then, pursue the enquiry? Let their

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lordships recollect, that it was not now the moment to debate or refuse what was urged by the noble duke in his motion. The House had resolved to enquire into the state and condition of the navy previous to the recess. Before that resolution was come into, was the hour to object, and not the present. Parliament had resolved to enquire, parliament now wished to enquire, and the lords in office were endeavouring to prevent them from so doing. The noble duke moved for the Surveyor of the Navy to attend at the bar, and the learned lord who had left the woolsack objected. Why? Because the Surveyor of the Navy knew every thing relative to the real state and condition of the navy! The very reason why the Surveyor, of all other men, was the most fit person to be examined. With regard to what had fallen from the first lord of the Admiralty, how was his declaration of that day to be reconciled with his language on the first day of the session, when, in reply to the speech of a noble earl, (of Chatham) he had said, the navy was in so flourishing a condition, that he cared not who knew it; that he wished foreign powers were acquainted with it, as he was sure it would effectually tend to preserve us from any probability of a war; that he cared not how soon the enquiry was begun, and would assist as far as he could?

The Earl of *Sandwich* said, that the noble duke who made the motion, knew that in every country there were ships upon paper which were not fit for service. That it was politic always to put the best face upon the state of the navy, and it never had been deemed wise to pry too minutely into particulars, which if generally known, could do no good, but might be the cause of injury to the nation: he repeated that the navy was in a most flourishing condition, and advised the noble duke to withdraw his motion.

The Duke of *Bolton* said, that he was far from wishing to expose the weakness of the navy, and that from what the first lord of the Admiralty had so often said about its fine condition, he could not but be greatly surprized at his present language.

Lord *Dudley* said, it was a custom in all countries to keep the state of the navy as secret as possible.

Earl *Gower* said, that the present motion was improper. *Cui bono* at this time, when we were probably on the eve of a war with France, to expose the weak parts of the navy, and teach foreign powers how they might best attack us?

The Earl of *Effingham* produced two extracts; one from the Journals of the Lords, and the other from the Commons, shewing that in 1707, on a similar enquiry, the quantity and value of the naval stores then in the yards, were given in to each House, and other matters, to the full as delicate as the object of the present motion, were fully entered upon. He wished the noble earl who said we were on the eve of a war with France, would have spoken more fully to so important a point; in order that the House might judge of the propriety of immediately advising his Majesty to call out the militia, and of taking other measures to put the kingdom in a better state of defence.

Earl *Gower* said, that he had only mentioned a war with France as a probable event; that as affairs stood, it was not at all unlikely, and therefore it was natural for him to have his apprehensions of its taking place soon. He knew nothing of a treaty having been signed between the court of France and America, as had been reported, and he would venture to say, the rest of the King's ministers were equally unapprised of any such circumstance.

The Earl of *Radnor* declared, if the motion were rejected for the reasons which had been assigned, their lordships would treat the present first lord of the Admiralty with more respect than their ancestors had treated the husband of the queen of England on a former occasion.

The question was called for and put: Contents 11; Non-contents 23.

Debate in the Lords on the Duke of Bolton's Motion respecting the State of the Navy.] March 2. The House having resolved itself into a Committee on the State of the Nation,

The Duke of *Bolton* rose. He acknowledged his own insufficiency to take a part in an enquiry which had been hitherto conducted with so much ability by the noble duke (of Richmond) near him; and after passing several compliments to the candour and ability of his grace, observed, that the most arduous parts of it had been already finished, which was one motive with him to undertake, with more confidence, the part of it which was to furnish the particular enquiry of this day. His grace then proceeded to recapitulate the leading heads which had come out in proof during the previous part of the en-

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quiry, as properly introductive of what he whs about to submit to their lordships' consideration. They all equally related to the state of the nation, and as such, must be taken together and connected. Those, he observed, related to the state of our military defence; of our commerce; of our loss in men and money; of our ability to pursue the war; and of our real situation respecting foreign powers, particularly our natural enemies, the several branches of the House of Bourbon. He observed, that our whole military defence, instead of 17,000, amounted to little more than 10,000 effective men; that the actual force in Ireland, which should be 12,000 in times of profound tranquillity, now at the eve of an approaching war was short of that number in an equal proportion; that we had suffered by captures nearly 3 millions of property; had already lost 20,000 men by the land war alone, and expended 28 million of money; that, in consequence of those captures, our African trade was entirely ruined, because the tract from Africa to the West India islands, the mart for the produce of the former, had beeen entirely neglected. On the windward side of Barbadoes, from every part of Africa within the line, all vessels must pass that island. All its vicinities, and the tract alluded to, had been left without a single ship to protect that invaluable branch of our commerce, the consequence of which was, that those seas swarmed with American privateers. Our own coasts were no less shamefully neglected; and, what was still, if possible, infinitely more mischievous, a great part of the stores sent from hence, was not only lost for want of convoys or defence, but fell into the hands of the Americans, which, above any other circumstance, conduced mostly to all our subsequent disasters, as the colonies were thereby enabled to procure what it was not possible to obtain in sufficient quantities, in any other manner. After having recapitulated all the leading facts, which had hitherto come out in the course of the enquiry, he said, he thought it his duty, before he proceeded farther, to obviate the only semblance of an objection, which had been made to the committee, namely, that resolving matters of fact, would go to the exposure of our national weakness. This, he said, was fallacious and ridiculous. If foreign powers wanted information, they might, for a trifling sum of money, obtain much more important intelligence, than all the information contained in the papers on the table; it was no more, therefore, than a mere evasion, not to shield the nation from danger, but ministers from blame, which he should prove, from documents not to be doubted, from their lordships' Journals; and that not on the eve of an expected war, but in the very height of one of the greatest this country ever waged; and accompanied, too, with circumstances of a very critical nature, both foreign and domestic. His grace then moved, that a Resolution reported from a committee, and entered in the Journals of 1707 and of 1741, might be read; by which it appeared, that similar committees had been formed; that they had come to several important resolutions, tending, in the language of the noble lords in office, to expose our national weakness, and to disclose secrets of a nature not so much as thought of in the present enquiry. The state and condition of the several ships, the number of guns and men, their stations, &c. The Journals being according read, his grace proceeded to state his intended resolutions, which he classed under three heads; the state of our fleet serving in America under lord Howe; the state of the line of battle ships for the home defence; and that of our frigates for home service. On the first head, he observed, that our fleet serving under lord Howe, consisted of 83 ships and vessels of force, of all sizes; that their complements, if full, would be 22,000; but out of that number 4,300 were lost by death, captivity, or sickness; that consequently the ships must be badly manned and foul, being now nearly two years out of dock, which, if it should become necessary to continue them longer in actual service, the deficiency in men must be made up from hence, and the ships replaced by others, clean and better equipped. He could not help mentioning a very alarming circumstance, which was, that of the deficiency of the number of seamen shipped, nearly one half was occasioned by desertion.

His grace then proceeded to the state of the line of battle ships for the home defence. He lamented, that he was prevented from giving that information to the committee he wished, by having his two motions negatived; one for the state of the ships in ordinary, before the recess, and a recent one, for the attendance of the surveyor of the navy at their lordships' bar. The latter would inform their lord-

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ships of the real state of the ships intended for actual service; and the former, in case of a war, would shew our state of preparation. The apology made was, that it would disclose our weakness. This, he believed, was too true: but, in his opinion, that was the very reason why the motion should have been agreed to; because if the fact was as acknowledged, it would evince the immediate necessity of his concluding motion, that of addressing his Majesty, to put his navy upon a respectable footing. As to men of war of the line for home defence, they had been stated at 35 fit for actual service, seven more in commission, and those put into commission since the noble lord at the head of the Admiralty had informed their lordships on that head. He had examined the papers on the table, and found that the 74's had been set down at 600 men, as a full war complement. This, he contended, was fallacious; the complement of a 74 was 700. If, then, what the noble earl in office acknowledged, on a former occasion, that he was upwards of 2,000 men short of this complement, having but 19,000 instead of 21,000, it would appear, that even allowing for the supernumeraries, the deficiency would, on the 35 ships, amount to upwards of 3,000 men; so that, instead of having 35 ships fit for actual service, we should not have more than 28 or 29, including the marines on shore, part of which would be wanted to be stationed at our three great dock-yards, Plymouth, Portsmouth and Chatham. If this was the actual force we had to defend ourselves, it would be necessary to know what we had to contend with, in case of a rupture with France and Spain. He had good information, that the French had 20 men of war of the line at Brest, 8 at Rochfort, and 15 at Toulon; and the Spaniards at Ferrol, Cadiz, and Carthagena, 40; the whole amounting to 83 ships of the line: from which he drew this inference, that we should, in order to secure a complete national defence, in the event of a rupture, have 100 ships of the line; and we ought to have, besides that force, a proportionate number of frigates; for, since the present noble lord came to preside at the head of the Admiralty, no less than three millions and a half of money had been granted for buildings and repairs, which, supposing our navy had been intirely annihilated, was sufficient to build 100 ships of the line, and as many frigates of thirty-six guns each, and to provide for all their necessary equipments. He said, it had been affirmed in that House, and was generally received without doors as true, that if we were equal in number of ships of the line, and in every thing dependent upon that circumstance, victory must declare in our favour. He was most willing to hope so; but when, perhaps, the very existence of this country, as an independent nation, was to depend on the truth or fallacy of such an opinion, he held it as an indispensible part of his duty to deliver his sentiments impartially, and without any degree of national prejudice; if he was, therefore, freely to declare his mind, he must say, that numbers almost always ensured victory. He should not speak of the conflicts in the early part of our naval history, nor even in the reign of Charles the 2nd, when the scene of action was confined to the narrow seas; when a Van Trump, a De Ruyter, a Blake, a Monk, and a Sandwich, exhibited such amazing instances of skill in their profession and personal resolution. The mode of making naval war, which prevailed at that period, differed much from every subsequent one: they made use of fire-ships, not so much to accelerate victory, as to destroy the human species. Like the cruel mode adopted in America, of employing savages wantonly to destroy their enemies, when the victory no longer depended on the carnage; when a ship was disabled, they sent a fire-ship to distress a disabled antagonist, and to blow up the crew in the air. A very different mode of naval warfare began to prevail at the Revolution, and has continued since to be adhered to; by which means, hostilities at sea, like those on land, have been conducted more conformably to the dictates of humanity, and the laws of war established and acknowledged by the civilized nations of Europe.

His grace entered into an investigation of the language of the noble lords in administration, relative to the presumed invincibility of the British navy, from whose assertions and opinions he begged leave entirely to dissent; and wished to impress this very important truth on the House; that be the courage of the British seamen ever so great, it was numbers and not skill or prowess that had made victory decide in our favour, unless in a very few instances indeed. His grace then entered into a long detail of proofs. In 1688, admiral lord Dartmouth, with a superior fleet, permitted the prince of Orange to pass by the Gunfleet, because he wished well to the

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cause which that great man came to defend. The next year the affair off Bantry, on the coast of Ireland, shewed, that where the French were more numerous they became victorious. The year after again, off Beachy-head, the same cause produced a like effect; the English fleet was vanquished; they ran for the Thames; and so great was the panic on that occasion, that they made to the river, and pulled up all the buoys, for fear the enemy would have pursued them. At La Hogue again, in 1692, the action in which the naval power of France was first broken, there the English had the superiority in point of number, in the proportion of 100 line of battle ships to 70. In 1704 again, the numbers were equal; so was the fate of the day. So it was at Malaga. In later times, in the action off Toulon, in 1743, where he was present, the English fleet was superior, and though we did not gain a complete victory, we gained the day. The French convoyed the Spanish fleet safely into Barcelona, and, notwithstanding our utmost efforts, it was not in our power to prevent them. And here he wished to set the noble earl at the head of the Admiralty right, respecting his assertion, that a fifty-gun ship was not deemed of the line of battle; for he assured his lordship, that he commanded a ship of that rate off Toulon; that he was ordered into the line the day before the engagement, ordered out of it the next day, and again ordered into the line on the following day. In the engagement between Anson and Warren, and the French fleet, in which we proved victorious, in 1747, we had a superiority of 14 to 8; so we had in the succeeding engagement, between the present lord Hawke the next year. In 1759, in the affair with Conflans, the force was pretty nearly equal: but then it did not come to a fair trial of skill, for the French admiral ran without waiting the event. The only instances within the period described, in which the mere skill and prowess of the English navy prevailed, were in two engagements, between admiral sir George Pocock and the French, in the East Indies, when with equal numbers we proved victorious. He begged, however, not to be misunderstood; he believed the English seamen would do their duty, and, upon any thing near an equality, would conquer, when the fate of the day depended on those circumstances: but there were many other matters very foreign to those particular circumstances; the cleanness of the ships, their state and condition, the health of the men, and their number, &c. from which he drew this inference, that when we talked of insuring success, we should procure the only certain means of securing it; that of a superiority in point of number of ships, fullness of complement, weight of metal, &c. Was that the case at present? Most certainly not. Our enemies were much more numerous and better manned.

His grace then enumerated the various services for which our fleets would be wanting, in the case of a war. For the Mediterranean and Channel service, to protect our trade to the westward; for the protection of the West India islands, East Indies, and the coast of Africa. He contended, and called upon the noble lord at the head of the Admiralty to contradict him, if he would pledge himself to the House, that 28 or 31, or even almost double the number of ships of the line, considering the force now in the French and Spanish ports, would be sufficient to answer those different services. Supposing, with the noble lord, that instead of the 35 ships of the line for home defence, we had the 42 spoken of, nay more, that every ship in commission, which, as he understood, amounted to 51, he would desire to know, if in the opinion of the noble lord, even that force would be sufficient to contend with the united strength of France and Spain? He was sure the noble lord would not say so.

As well as condemning the official management of the navy, he highly arraigned the arrangements of the Admiralty board; particularly in sending out eight ships of the line under a captain, while there were no less than 51 admirals on the list. This might be productive of some fatal consequences. If, as he understood, this fleet was sent to interrupt the commerce between France and America; and if, in consequence of any such interruption, an engagement should ensue, and the eldest captain or commodore fall in the action, the English fleet would probably be destroyed, for there being no regular command established, the next captain, should his senior fall or be wounded, would not know how to give the proper signals, and of course every thing must fall into the utmost confusion. He added further, that besides the impropriety of trusting the command of a squadron to a captain, while there were so many flag officers unemployed, the want of our frigates was most sensibly felt; for, instead of having frigates stationed in the Bay, in order to pick up

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the small American privateers, and to interrupt the illicit commerce carried on between our colonies and France, we were obliged, at a great expence, and to very little purpose, to send our 74's on that service, where in the present inclement season of the year, their sides were beating to pieces, one half of their crews distempered, and their stores, rigging, &c. going to ruin.

On the last head, respecting the frigates, his grace was equally strong and pointed. A want of frigates, was, in his opinion, much to be lamented. It was the great source of the calamities we felt, in relation to our commerce, and if a war should break out, would be doubly felt. But it was not even the want of them, however great it might be, but the deception attempted to be put on the House by the papers on the table; those stated them at 34; whereas the truth was, that they amounted in reality to no more than 11, the rest being sloops, yachts, &c. He observed, if the deception was reprehensible, the purchase of several of them was much more so: they were bought from private persons at a most exorbitant price, upon what motives he would not pretend to determine; one of them in particular, now called the Panther, formerly a cat in the northern trade, was purchased at the enormous sum of 7,000*l.* when, according to her tonnage, and real value, she was worth no more than 3,500*l.* at the most. So it was in several other instances, which, he said, he forbore to mention.

His grace pointed out the absurdity and bad policy of using foreign timber in buildings and repairs; and if a trial was to be made, censured the conduct of those at the head of naval affairs, who, instead of making an experiment, ordered no less than 20 ships of the line at once to be repaired by foreign timber. He said, that probably there was not one of those ships, if employed in actual service, that would not be found rotten and totally unfit for service, as was the case with the Mars, which, after being under repair for three years, was obliged to be condemned, and ordered to be broke up, though she cost the nation upwards of 33,000*l.* He observed, that the noble lords opposite, when the weakness of our military defence was mentioned, said our navy was invincible. His grace contended, that even superiority would not insure success, because unforeseen events, or cross accidents, might unexpectedly turn the scale; much less so, when France and Spain had a fleet nearly in the proportion of two to one. He begged, therefore, that the noble lord would make good his promise to that House and the public, that our fleet should be always superior to that of France and Spain united, which he had uniformly asserted was necessary; or fairly confess, that no such necessity existed, and that consequently, with an inferior army and inferior fleet, a ruined trade and dismembered empire, we were nevertheless more than a match for the united power of the House of Bourbon.

He concluded with a severe reprehension of administration, for their conduct towards their generals in America. He supposed the British troops were like the British seamen, they could not perform impossibilities. If they could prevail with equal numbers, it was as much as could be expected from them. General Howe was blamed for not conquering America; he was recalled, because he did not; they said, he was a most able general; with an army of 15,000 men he went to attack as great a general as himself, Mr. Washington; he durst not attempt it, because the latter was strongly intrenched and advantageously posted. So it may be found in case of a war; the British admirals and sailors would do every thing that could be expected from brave and able seamen, but they could not perform impossibilities; with good clean ships, well manned, and equal in numbers, they might come off victorious; but that was all that could be rationally expected: and if one of the ablest seamen in this country, and one for whom the noble earl seemed to entertain the highest opinion (though a little man, yet possessing a great soul) were consulted, or interrogated at the bar, he would venture to answer that his reply would be (without making himself responsible for events beyond the power of human policy, and out of the reach of human prediction) that he hoped the British fleet would always conquer. His grace then moved the first of the following Resolutions:

1. "That it appears to this House, that 83 of his Majesty's ships and vessels of war, exclusive of fire-ships, bomb vessels, store ships, and small craft, bought up in America, have been employed there since the year 1774; that the complements of the above-said ships and vessels, marines included, amounted to 22,337 men; out of which number have been lost by desertion 1,969, by captivity 417, by death and ren-

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dered unserviceable 1,928; and therefore that the whole loss of seamen and marines belonging to the above-said ships and vessels amounts to 4,814 men. 2. That 42 ships of the line of battle are now in commission in Great Britain, and on home service. 3. That a considerable number of the said 42 ships of the line of battle are not manned, nor fit for sea. 4. That 11 frigates, 14 sloops, and 11 cutters, are now in commission in Great Britain for home service, and that they are short of complement upon the whole number 397 men. 5. That his Majesty's ship Panther of 50 guns, and Andromeda frigate, are also in commission, but not manned; and that there are also in commission four of his Majesty's yachts, mustering 159 men, seven store ships, six of which appear to have been lately purchased into the King's service, and eight hired armed ships, of which no returns appear to have been made by the officers who command them."

The Earl of *Sandwich* directed his reply chiefly to two points; to a detection of some particulars stated by his grace, and to an eulogium on his own administration. On the first head, his lordship said, that the number of ships of war under lord Howe were mis-stated, for that 10 frigates had been sent to America since the last returns were made; that the line of battle ships in commission were not 42, but 51; one of which being unfit for service, left 50 of the line in commission; that was, 35 completely manned, seven formerly in commission, to man which, we had already 3,000 seamen and marines, and nine put in commission, since the papers were moved for. He contended, that 600 men were a full war complement for a 74; and that of course, if affairs should make it necessary, we should be able, in a few days, to proceed to sea with 42 ships of the line completely manned and equipped. On the second head, he said, when he came to preside at the Admiralty board, our navy was in a most ruinous condition: but that was not all; the point of ever being able to build or repair was despaired of, was given up. The ships built of green timber, in the heat of the late war, had all rotted. In such a state of national distress, what was to be done? He turned his thoughts seriously to the subject, and devised two expedients. He procured a Bill to be passed, to restrict the East India Company to build no more than a certain number of tons annually, (from 60,000 to 45,000); the other was, to purchase foreign timber, and thereby break the monopoly of the timber merchants. Here his lordship deviated into a long detail, relative to the East India Company, the iniquity of the ships husbands, &c. When he came to preside at the head of the Admiralty, the timber merchants had entered into a combination; in consequence of which they not only raised the price of timber, but compelled the Company to take 17,000 loads of timber yearly more than they had any real demand for. He immediately saw the necessity of breaking this combination, between the timber merchants and ships husbands, to enhance the value of timber on one hand, and to rob the East India Company on the other; which was, in fact, to effect the ruin of the nation, and employ the Company as the instrument, merely to enrich a few avaricious, unprincipled individuals. To put a stop to so iniquitous a procedure, he was the means of carrying a Bill for restraining the tonnage of the East India Company, and reducing it from 60,000 tons and upwards, to 45,000, and ordered at the same time 15,000 loads of foreign timber to be purchased: by which the combination was soon dissolved; when the timber merchants were deprived of their artificial vent in one instance with the Company, and discovered that the navy could be supplied independently of them in the other. By these means he had preserved the native timber from the ravages of the Company, and laid in such a stock of foreign timber, as had enabled us to procure enough of native growth: so that instead of 13,000 load, which was the stock in hands at all the yards, we had now 64,000 load, or a stock of three years consumption, in the space of a little more than six months. The advantages of which were, that we could, if occasion required, not only build faster, but build of seasoned timber, not subject to the ravages of the salt water, worms, change of climates, &c. which green timber was always known to be. He said, it was ridiculous to affirm, that all foreign timber was bad, the contrary was notorious. If because it had failed in the repair of the Mars, that would be a reason to reprobate the use of it; as well might we reprobate that of native growth, because ships built of native timber rotted, which was the case in respect of the Ardent; yet, that single instance, which would be exactly similar to the inference made by the noble duke, would be

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no good ground to conclude, that all English timber was bad, or subject to immediate decay. He reported several instances of foreign timber proving equal to the best of British growth; particularly the Foudroyant, taken from the French in 1758, and at the end of 20 years had received but one repair, and now was as fine and sound a ship as any in the navy. The same was the case with the Alarm, and another frigate, drove into Marseilles in distress, where they received a repair, and still continued in the best condition.

His lordship confessed that the trade had suffered, but that inconvenience could not be remedied; it was a consequence of the mode of carrying on the war in America: frigates were necessary for that service; and if we could have had more to employ on the several stations alluded to by the noble duke, most surely our trade would have been better protected. He assured the noble duke, that he would not have employed large ships as cruizers in the Bay, if he could have helped it: but the alternative was not, will you or will you not use those vessels? but, will you use those or none? There was no arguing against necessity; and though there was a want of frigates, for the reasons already assigned, the deficiency was not so great as had been stated by the noble duke; for notwithstanding there might be no more frigates on the immediate home service, there were no less than 50 employed on other services, besides those stationed in America: but he denied that the want of cruizers had been the occasion of the rapid decline of the African trade. The fact was, that that branch of commerce had been overdone; that the trade was on the decrease for several years before the troubles with America broke out, and must be nearly in its present state if they never had. As soon, and as far as circumstances would admit, cruizers had been stationed in the proper latitude; admiral Young, at Barbadoes, had detached from his squadron a ship of considerable force for that purpose; admiral Dayrell, lately appointed to succeed him, had instructions of a similar nature; and if our trade had suffered, either in that, or any other quarter, no blame was imputable to him; it proceeded solely from the cause first assigned, that the frigates were necessarily destined to another service. But taking the facts to be just as his grace had stated them, he could not deserve censure; he acted ministerially; the measures were deliberated upon elsewhere; and if he did his duty, as obeying the orders he received, he was by no means responsible for the events.

Earl *Gower* said, the delicate situation the noble earl who spoke last stood in, was a sufficient reason for his not putting a negative on the resolution: for his part, he thought at so critical a period as the present, it would be extremely improper to expose the state of our navy to our foreign enemies. The proposed resolutions were totally unnecessary; and if agreed to, though productive of no other ill, might be the occasion of throwing the people into a consternation, and create ill-founded apprehensions. On this ground he should move, that the chairman do leave the chair.

The Earl of *Bristol*. Though I have for some time been fully prepared for this particular stage of the enquiry; though till within these three or four days, I have waited with great impatience to go into every branch of the navy; yet, my lords, I shall now forbear. The noble duke who first agitated this enquiry, has fully convinced me of the state of our forces at home and abroad, and of the enormous expence it has already been to this country these three last years to so little purpose. And the noble duke who has opened this day's business, respecting the navy, has done that in so able a manner, and so much coinciding with my own observations upon it in general, that he has left me nothing to add; nor will I, my lords, by any thing I could say on the different branches which his grace has not mentioned, let it go abroad, that we are on the eve of a war with France, I have been laying open to our enemies what we ought to conceal: but on the contrary, I will rather say, that I hope the navy of England may yet be put in such a state, as to resist and overcome all our enemies; though, my lords, I should never have agreed with the noble duke in the address proposed to result from these resolutions, without an amendment, which should have been to have addressed his Majesty to put his navy on the most respectable footing: but that as I had long seen the fate of every resolution in this enquiry, I should expect all to have a negative equally put on them, and therefore should content myself with doing what I thought I owed my country at this time.

The Duke of *Richmond* said, though he had concluded his part of the enquiry, as

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to further detail, with the state of the army in America, he could not give a silent vote when he heard the deplorable state of the navy so ably and so fully proved; and what was still more to be wondered at, when the noble lord at the head of the Admiralty substantially acknowledged the facts, though he endeavoured to palliate them, or evade the conclusions, which they evidently admitted. It was the most reprehensible conduct imaginable, that ministers had adopted, in the course of the enquiry. In the former part of it, when the military force of this island was proved to be very short of the lowest peace establishment, the language from the other side, was, "What our internal defence may be, is of very little consequence. It is our navy we are to depend upon in the day of trial; it is our great national bulwark; it is invincible, and superior to any thing our natural enemies can bring against us. We are able to cope with the whole united force of the House of Bourbon. The more France and Spain know of our navy, the better: a thorough knowledge of its state is the best means of securing us against the designs of our enemies." I recollect when a noble earl (Chatham), seemed to entertain even a doubt of the boastings of the noble earl at the head of the Admiralty, his lordship was almost hooted out of the House. What do we hear this day? That all those doubts were well founded; that all those boastings proceeded from misrepresentation. The noble earl (Gower) has told you so, in so many words. He has put a negative on the resolutions, not because they are not founded on truth, but because they would be an avowal of the naval insufficiency of this country. So, when the nation is proved not to be in a proper state of military defence, you are told, your navy is your sole dependence. When that is enquired into, you are again told, its weakness must not be exposed!

He reminded the noble earl (lord Sandwich) when upon a former occasion, the want of frigates, which he now confessed, was objected to, at the opening of the preceding session, as 87 of them was said to be then in America, his lordship replied, "that we could, and would have 87, or 90 more, to replace them." On this ground, as well as the uniform language of the noble earl, by which he specially pledged himself to that House, his lordship was answerable for the consequences; and would probably be made amenable at the bar of the public. He concluded, by observing, that if parliament continued to disgrace itself, by upholding such an administration, it would necessarily fall into contempt; the certain consequence of which would be, national ruin.

The Earl of *Sandwich* said, the number of frigates, if he said they were 90, which he did not doubt, as the noble duke seemed to recollect his particular expression so well, what he meant was, including every other service but that which lord Howe was concerned in; and he was clear that he was justified in saying so; for taking the number in the West-Indies and Europe, they amounted to nearly 90. Here his lordship said, he must have recourse to the information, which he so often pressed on their lordships' memory, relative to the state of the British navy, when he was called to preside at the Admiralty-board. He said, the ships in the heat of the war, being built in a hurry, of green timber, suddenly rotted, and were rendered useless; which, with the scarcity of timber, rendered vain almost, all hopes of being able to put our navy once more upon a respectable footing. However, having surmounted that obstacle, he turned his next attention to the guard ships, which instead of being of any use, were become a burden and disgrace to the service: rotten, useless vessels, not half manned, and half the crews unfit for service, in case of an emergency. He saw all this, and determined to turn this source of national weakness and disgrace into a source of national strength. Instead, therefore, of wasting the public treasure, to no purpose, he put the guard-ships upon a respectable footing. He ordered them to be always in a condition and state of repair, fit for immediate service; he increased their number to 17, and had three quarters, or nearly three quarters, of their complements of able prime sailors, always aboard; and managed matters so, that with the aid of a few days press, he had it always in his power to send 20 ships of the line to sea at a very short notice. His lordship adverted to something, which fell from the noble earl (of Bristol) in a former debate, whose professional abilities he highly extolled; as importing that he would not trust himself aboard the ship (the Queen) destined for him. He could assure the noble earl, that he need not be afraid to trust himself aboard that ship; for notwithstanding what he might have

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heard to the contrary, she was completely equipped for sea, and every way ready for immediate service. If however, his lordship still retained any doubt, concerning her condition, he would soon give orders to have another vessel ready for him to hoist his flag aboard.

The Earl of *Bristol.* I should not have risen again to trouble your lordships, but that I have been so applied to, and that I think it necessary to say something upon it, late as it is. But, my lords, as I shall always consider myself as last, so shall I suspend answering that part of the noble earl's speech (lord Sandwich) until I have wiped off the imputation which his lordship unjustly has thrown upon as great and good an officer, as any in the world; to whom this country is so much obliged, and whom nothing his lordship or any other man can say, can stain. I mean lord Hawke. The noble lord tells us, when he came to the Board of Admiralty, he found the guard-ships all rotten, fitted with rotten stores, and not kept as if intended for service. My lords, this is such an imputation on that great man's character, as I never will admit of. I had the honour of sitting at that board, at that time, with the present first lord of it: and I never understood that those were the reasons for changing those guard-ships. Those ships had been thought long enough in commission, and that others would be more proper ships, and might be better fitted as such; but the great reason of all was, that many of the captains had been their full three years, and that some practices had crept into some of them, which was necessary to be remedied, by paying them off. But this was no more a fault in lord Hawke, than if such were to happen now in some of the ships; and that the noble lord now at the board were to change the captains, or the ships. That as to ships of 74 guns, which his lordship says, 600 men is more than a sufficient complement for, I can by no means acquiesce in that opinion. The last war I had 650 men in the Dragon, and which was not the largest class of ships of that rate; and I could have dispensed very well with fifty more. As to what his lordship has said of the Queen; I shall be always ready to serve my king and country when I am wanted; but I will ever persist in my determination not to go aboard any ship so manned. I abhor the present mode of ministers and their hirelings whispering away the characters of their admirals and generals; and suffering them to be run down, to save themselves, for not being capable of giving proper instructions. I will therefore mention those two brave officers, the Howes; better, nor more disinterested men, never served the King. How are they pulled to pieces, without cause! Had I not experience of the cruel fate of a great, and I will say, brave admiral, that of admiral Byng, who was sent out with a fleet so insufficient for the purpose, and who fell a sacrifice to screen an infamous ministry? My lords, I will be no scape-goat for any administration; let me go out with proper ships, properly manned, and I will defy all ministers whatever, and will be answerable for the rest.

The Committee divided on the question that the chairman leave the chair: Contents, 64; Not-contents, 26. The House being resumed, the Resolutions were all put and negatived.

Debate in the Lords on the American Conciliatory Bills.] March 5. Previous to the order of the day being read,

The Duke of *Grafton* rose. He said he must trouble their lordships with a few words, relative to a matter exceedingly important for the House to be aware of, before they began a debate upon the Bills which had passed the other House, and upon which the fate of this country materially depended. He had a question to put to the lords in office, which it was their duty to reply to without reserve, and which, from the respect he entertained for their lordships, he should hold himself blameable, were he not at that particular moment to agitate. His grace then said, that a hon. kinsman of his (Mr. Fox) had received information, that the court of France had actually signed a treaty of commerce with the deputies of the American Congress; that his kinsman had communicated that information to no other person but himself, and that it had made so strong an impression on his mind from the channel through which it came, that if the two secretaries of state, and the whole cabinet council, were to declare the contrary, they could not do away that conviction which he felt of its being matter of fact. His kinsman had in the other House of Parliament put the question to the minister of that place, who had given an evasive answer, but the matter was of too important a nature, and at that time too immediately critical, to be passed over in silence. Some explanation was due to

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their lordships, previous to their entering into debate upon Bills, the effect of which altogether depended on the drift of that explanation; he therefore hoped one or other of the secretaries of state would rise, and give their lordships that information on the subject, which they had an undoubted right to be masters of. If the information was true, it was absurd to insult parliament, with the appearance of reconciliation, that was no longer practicable. If ministers replied in the affirmative, they were culpable in the highest degree, in concealing intelligence of so important a nature from parliament; and under the cover of that concealment, leading it into measures of futility and public dishonour. If they reply in the negative, their conduct was still, if possible, more reprehensible, their incapacity more glaring, in being entirely wanting in that species of information, which it was the duty of their stations to procure. His grace desired the House to recollect, that it was on the 5th of March, he put this question to the King's ministers.

Viscount *Weymouth* said, the noble duke had himself assigned a sufficient reason for the silence of every lord in office, by declaring, that if they and the whole cabinet denied the fact, and that in ever so explicit a manner, he would not be convinced, nor give up his belief of it. Respect, however, to their lordships, and that duty which he always conceived, he was bound to discharge, by giving them every possible satisfaction respecting all sorts of questions in his power to answer, and fit to be answered, would not suffer him to remain silent; he had, indeed, heard of the treaty from out-door report, and he had heard that an hon. gentleman in another place had asked the minister the question, and received a satisfactory answer. With regard to what the duke had thrown out, the most convincing way of reply would be not to argue upon it, but to come immediately to the point, for which reason he would fully and fairly speak to it; he did therefore, in the plainest and most precise manner, assure their lordships, that he knew not of any such treaty having been signed or entered into, between the court of France and the deputies of the Congress, and he hoped their lordships would not fail to remember, that it was on the 5th of March likewise, that he stood up in his place, and declared he knew nothing of any such treaty, nor had any authentic information of any such treaty being either in contemplation or existence.

The Duke of *Grafton* said, the noble viscount had not explicitly replied to his question; that the noble viscount took it up at the time that it was mentioned by his hon. kinsman in the lower House; that many days had elapsed since, more than sufficient for ministers to have ascertained the fact; that if they had not got at the truth of a matter so exceedingly important to be known at this pressing crisis, it must appear to all the world that the King of Great-Britain was served by the most shamefully ignorant and uninformed ministry that ever undertook the management of public affairs. His grace again enforced the idea of its being true that such a treaty had been signed, and urged the King's servants to tell the House all they knew respecting it.

Viscount *Weymouth* declared, that the noble duke, by mentioning his hon. kinsman having put the question in the lower House, naturally obliged him to recur to that point of time. That he had precisely and plainly stated a fact, namely, that he really knew not a word of any such treaty having been signed.

The order of the day for the second reading of the American Conciliatory Bills, was then read.

The Earl of *Radnor* said, this country was wrong in the out-set, and hitherto continued obstinately to persevere in impolicy and injustice. What the effect of the present Bills might be, he did not pretend to determine. We had no right to tax unrepresented America. The idea was no less absurd and unjust, than the event had hitherto proved disgraceful and unprosperous. Englishmen, as they carried their rights with them, on their first migration, so they retained the spirit, resolution, and firmness of Englishmen, in bravely asserting and maintaining those rights. The constitution declared, in so many words, that no Englishman can be taxed but by his own consent. It has been the language of all ages, since the first foundation of the monarchy. The most weak, cruel, despotic, and ambitious monarchs have acceded to this doctrine, as a first principle, not directly to be controverted, though they have often attempted to evade it. They acknowledged the general rule, and never ventured further than to state exceptions to it. Apply this reasoning to the claims of this country, and see whether they can

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stand an instant; certainly not. The mode adopted was ingenious and plausible. The King, by his prerogative, pretends to no such right; he is no farther concerned than as one of the branches of the legislature in asserting it. By whom are subjects to be taxed? By parliament alone. If, then, parliament is solely vested with the power of levying taxes, who shall deny that power, or refuse to pay those taxes? But here it is clearly perceivable, that a constitutional power is misapplied in the most gross manner, and that, too, on an idea the most preposterous that ever entered into the mind of man.

America, say the friends of this argument, is represented in England; that is, the name of representation is held out, while no essential quality of representation is preserved. The repeal of the Stamp Act, however, put an end to this solemn mockery of every appearance of common sense and common justice; virtual representation was given up; and the next year a more rational, though an equally unjust claim, was set up, the curious distinction between internal and external taxation. The supremacy of this country, the monopoly of the trade of America, were to be secured; but by what means? By port-duties, for the purpose of raising a revenue. Here, it is plain, the principle was the same, though the mode was varied. Who could say, if you laid on one duty and it had been acquiesced in, but you might lay on a hundred, and that to any extent, and on what commodities you pleased? The principle of both was equally erroneous; no alternative remained, but that the colonies should tax themselves, or be slaves. These, he said, were his sentiments from the beginning, as well when he had the honour of a seat in the other House, as now, and he should die in them. He was conscious that they were equally just, expedient, and constitutional. I protest, said he, I have acted throughout uprightly, to the best of my judgment; and I appeal to God for the sincerity of my declarations, to whom I hold myself accountable for my public as well as private conduct.

The English constitution binds no man, farther than by his own consent; and I fairly apply the argument to legislation as well as taxation. His lordship, from speculative reasoning, adverted to facts; and shewed, in a variety of instances, the cruelty, folly, injustice, and even irreligious conduct of ministers. These several charges he maintained, by a retrospect to their several measures. Amongst the most leading of those, were the Acts of coercion, passed during the four last years; and, as the epitome of the whole, that infamous Bill the Quebec Act, by which the bloody and senseless superstitions of the church of Rome were established in so wide an extent of the British empire; and our Protestant colonies, as it were, hemmed in on every side by a people inimical to them on account of religion. This preference given to strangers and Papists, who, by the Act alluded to, were rendered rivals to them, though no other provocation had been given, was sufficient, in his opinion, to alienate the affections of the colonies from the parent state; but it was no more than a leading feature in that system of despotism, introduced into our counsels since the commencement of the present reign. A system designed to procure submission in every instance in which executive government was concerned. A submission in religious, as well as civil matters, and all made subservient to the will of the governors, not the happiness, prosperity, or confidence of the governed. Absolute supremacy, and absolute submission, were the great objects of the reigning politics for some years past; but, thank God! that system, however seemingly permanent, was at the eve of a sudden dissolution. Its fate was on the point of being determined: and while he was up, he could not avoid congratulating their lordships and his country, that in the midst of their calamity, they had the consolation to reflect, that the resistance of America would be the great means of prolonging those national liberties which, in point of constitutional effect, though not of form, had been nearly extinguished, and must in the end have been overthrown, but for the exalted virtues and heroic spirit of their brethren on the other side of the Atlantic. He did not rise to make a personal attack upon ministers. He lamented the cause of his rising in some particulars as much as any noble lord present. Ministers, he presumed, may have been deluded or misled themselves. He reproached none. If some had acted from motives of pride or false ambition, he did not accuse nor insult them in their ideal schemes of folly; they were sufficiently humbled; pride had had a fall. If any had conceived high expectations of conquest, it was needless to remind them that they had ingloriously failed. And if

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revenge was the great motive of their conduct, even the very persons whom they had endeavoured to exterminate or lead in chains, must pity them in their present humiliating mortified state, suing for pardon at the foot of a triumphant enemy; if it was not rather a just punishment for having suffered so black a passion to be one of the leading motives of their conduct. On the whole, he thought, that the concessions now made, considering the inglorious circumstances which accompanied them, would terminate as ineffectually towards procuring reconciliation, as they were every way disgraceful.

The Duke of *Richmond* called upon some of the King's servants to explain to the House the reasons of their silence, and why they had abandoned all their former high-sounding terms of the supremacy of parliament, and unconditional submission, and now came to sue to America for peace? Such a silence, he observed, was unprecedented in the annals of parliament.

The Earl of *Suffolk* replied, that he did not hear any thing specially urged against the Bills; when he did, it would be time enough for him to combat the objection.

The Duke of *Richmond* rose again, he said, to deprive the noble earl of the benefit of this apology. He had little more expectations of peace being effected by the present Bills, than from any of the preceding measures adopted by ministers. He was convinced, that nothing solid was intended; that the Bills were framed with a design to divide America on one side, and to keep up appearances with those who supported the measures of government here at home. He did not assert this on any vague, speculative imagination, that ministers, though they had changed their measures, still retained their former sentiments; he reasoned from the Bills themselves. The preamble of the commissioners Bill was the strongest evidence of the truth of what he asserted. It said, that all the troubles had originated in misrepresentation—of what? Of the very doctrines contained in the Bill itself, which maintained the supremacy of this country in its fullest extent. He said, though there existed no other objection to the measure, the vesting in the crown the appointment of the commissioners was sufficient to defeat the whole scheme, allowing government to be perfectly sincere. It was ridiculous, in this instance, to separate the crown from ministers: they were synonimous terms. Who, then, were to be the real negociators, or the instructors of those who would be appointed to negociate? Most assuredly those very ministers who had been the persecutors and oppressors of America! Was it probable, then, that the Americans would treat, or hold any communication with commissioners thus instructed? If any man could believe it, he pitied his credulity. Can the Americans expect justice or good faith, from the very persons who have heaped upon them the most unheard of cruelties, and unprecedented oppressions; who have acted with a perfidy unparalleled, and with an insolence not to be endured?

The noble duke read the Declaration of American Independence by the Congress; and after commenting on it paragraph by paragraph, appealed to ministers, whether they meant to concede the several points therein set forth, or subscribe to the general assertions therein contained? This Declaration asserted, that the King was a tyrant; complained that troops had been sent and quartered among them without their consent; that the Admiralty courts were a grievance; that Acts suspending those of their respective assemblies had been passed in the British parliament; that the King having acted tyrannically, they had justly withdrawn themselves from his allegiance; that the judges enjoying their offices during pleasure, were thereby rendered dependent on the crown, &c. In short, his grace, at the end of every sentence, put the question to ministers, whether in any, all, or which instance, they would instruct their commissioners to assent, acknowledge, or ratify, on the part of the king and parliament, those several assertions and claims?

After condemning that part of the Declaration, which branded the King as a tyrant, for whose virtues, he said, he entertained the highest opinion, his grace proceeded to shew the reasons why so indecent and disrespectful a language was adopted by the Congress. This was no other but the very improper and unconstitutional use which had been made of the King's name from the beginning, and previous to the present unhappy contest. He affirmed that this was evident, in almost every measure which ministers thought fit to adopt. Out of a great number, he should select two, and submit to their lordships, whether the charge was well founded. The first was in the circu-

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lar letter, written by the noble lord (Hillsborough) at the head of the American department, dated Whitehall, 13th of May, 1769, in which that noble lord, in behalf of himself and the other members of the cabinet, promised not in the name of the parliament, but in that of the King: "His Majesty's present administration—his Majesty's present servants—his Majesty relies upon your prudence and fidelity—it is his Majesty's intention, &c. that no further taxes for the purpose of raising a revenue shall be laid on the colonies." Here, said his grace, the King's word was specially pledged for what he could not constitutionally perform. It was not competent to the King to lay on, or remit any tax; when, therefore, the promise came to be performed, the colonies looked to their sovereign for the performance of it; but ministers having shifted, by so doing rendered themselves further irresponsible; and this may account in some measure for the very unbecoming language which pervades the whole performance I have been reading. Again, in consequence of the same circular letter, in which is contained this remarkable expression, to the several governors, "The King trusts to a full and explicit explanation of his sentiments;" what did lord Botetourt tell the council and House of Assembly of the colony of Virginia, in support of the promises contained in the said letter? Nothing less than "that his Majesty would rather forfeit his crown, than keep it by deceit."

After asserting, that his Majesty had lost the affection of his American subjects, by the daring, perfidious, and unconstitutional language of ministers, he said he would state a remarkable instance of the temerity of one of them. He said, the Journals of the House would be the most undoubted documents in proof of what he was about to state. It was on the 18th of May, 1770, when the very same administration as that which now directed the affairs of this country were in power, that he moved several Resolutions, expressing a censure of the same noble lord (Hillsborough) and that on the very specific ground, chiefly, which he had now stated.* What was the conduct of the noble lord? Very different indeed from that of the noble earl at the head of the Admiralty on a recent occasion. He did not desire, as that noble earl did, the friendly aid of his noble friend (lord Gower) to do what his own delicacy would not permit him, that of moving the previous question, to get rid of the resolutions. No, the noble earl then at the head of the American department, had the modesty himself to move an adjournment.

His grace said, as to the whole measure, he feared it would miscarry, for the reasons already assigned. This being his opinion, if his advice was taken, he would recommend to withdraw the troops. America still retained an affection for this country. He had great reason to believe, that it would be the interest of the colonies to give us a preference in point of commerce. Such a commercial intercourse would be no less advantageous to them than to us. The experience of the last two or three years shewed, they could not do without British commodities; they had them, though through new channels; and one of the most intelligent merchants in the city (Mr. Glover) assured him, that whether friends or enemies, they could not supply themselves with several of the commodities they wanted, so well elsewhere. It was certainly the interest of both countries to live on terms of amity. If his advice were taken, sooner than hazard a farther continuance of the war, he would recommend to declare America independent, because he feared we must consent to it at last; however, if it was the sense of the House, that the experiment of treaty should be tried, he had no objection. If, on the other hand, America should prove implacable from the cruelties she had suffered, and the injuries she had sustained, and should make a commercial treaty with France in preference to England, even in that case, he would much rather withdraw the troops, and leave that country to act according to its own pleasure, than continue the war, in order to recover what we had lost by our own imprudence and pernicious counsels.

The Earl of *Hillsborough* said, that the noble duke had made a personal attack upon him, by no means well founded. He never used the King's name in an improper, unconstitutional manner; he appealed in particular to the letter now mentioned, and begged it might be read. [It was read by the clerk.] He complained how cruelly and unjustly he had been attacked; and appealed to their lordships, whether there was a single passage in that letter, which could justify the imputation thrown upon him by the noble duke, of his mentioning the measures proposed by the King's servants, as solely the King's measures, or

* See Vol. 16, p. 1018.

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personally ascribable to him. He never wished to shelter his conduct, as a minister, behind the name of a king. Those who acted with him knew the contrary. If any doubt remained, relative to the fair interpretation of that letter, its true comment must be the King's speech, which accompanied it, and was inclosed in it. In that his Majesty's sentiments, relative to the affairs of America, were laid open; and it could hardly be supposed, that ministers would, or that governors dare pledge themselves, for any measure contradictory to that speech.

His lordship affirmed, that he never entertained a second opinion respecting America. He always thought, and should ever think, that the supreme power of the empire was vested in the legislature of this country; and if a difference of opinion, upon the principle of those Bills, should cause a division, he should give one more proof that he had not deserted his principles. He said, that nothing but necessity could justify the present Bills, and that too of such a nature, as caused a necessity of concealing it. He had every reason to think that administration had not deserted their principles, though they had changed their measures; and that while they proposed the present, they proposed them with shame. They blushed when they found themselves compelled, as it were, to adopt them, and that from reasons which, perhaps, could not be properly or safely declared. He blushed himself, nay more, he felt for the honour of his much-injured country, which had, on the present occasion, felt this the most disgraceful day she ever experienced. On the whole, however, such as the Bills were, he should not oppose them, unless the mere question of principle should come into discussion, and bring on a division; because, be our misfortunes what they may, which he chiefly attributed to a want of alacrity, firmness, and decision of the ministers, he would rather confide in the present ministers than any other.

The Duke of *Richmond* contended, that the first passage in the circular letter personally referred to the King, as an individual distinguished from his servants; and when the intentions of the King's ministers, of not meaning to lay further taxes for the purpose of raising a revenue, and to repeal the port duties upon commercial principles follow, the King's servants are therein described as only acting by the order, and under the influence of their sovereign; but if any doubt remained of the true import and political construction of the speech and the letter, the private instructions which accompanied both might be easily guessed by that passage in lord Botetourt's speech to the council and house of burgesses of the province of Virginia, where his lordship tells them, "that his Majesty would rather forfeit his crown, than keep it by deceit." It was, therefore, the delusion and deceit of ministers, which the Congress in their declaration of independence, mistakenly imputed to the King. It was upon this ground that his Majesty was first dethroned from the dominion he held over their hearts and affections. This was the circumstance on which, he presumed, more than any other, the people of America withdrew their allegiance. If ministers had acted cruelly, if parliament had acted oppressively, the right of the crown could never have come into controversy. The farthest they ever pretended to go, was to say, "we shall readily submit to be governed by the same king, but we will be bound by no laws which we do not consent to, no government we cannot controul." They took the matter up upon principles of genuine Whiggism, as distinguished from Toryism. The Tories of 1688 said, the king had abdicated; the Whigs, that he had deserted his crown, and thereby left the people at liberty to establish what form of government they pleased. So, in the present instance, as soon as the King made war upon the whole body of his subjects in America, they began to reason like the Whigs of England. They said, though unjustly, that he was a tyrant; that he had deserted the government, and forfeited his dominion over them as sovereign, and that of course they were at liberty to institute another in its stead.

The Earl of *Suffolk* answered the point of inconsistency, charged on him and the rest of the King's servants, in relation to the present Bills. He said, it was a new doctrine in politics, which was supposed to bind a man to the same conduct in all possible situations. He always understood that ministers, indeed all men, suited and shaped their conduct to circumstances, events and exigencies. Were it otherwise, no person would be a free agent; he would, indeed, possess the powers of discrimination and judgment to no purpose, if he was forbid the exercise of them, and only permitted to retain the liberty of acting wrong. He was free to acknowledge

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that he once entertained a very different opinion from the measures now offered to their lordships' consideration. He thought, as we had a right, so we should have exercised the right of every species of governmental controul over America. He thought, in maintenance of that right, we were justified in compelling the colonies to acknowledge it. He had every reason to think, that as we had the means of compulsion, the issue of the dispute would have been correspondent to those means. He was convinced now, that it was every way more wise to depart from this plan, in some instances, and concede, than persist in it; yet in all this he could perceive no contradiction; circumstances had materially changed, and so had his opinion: but as to those he first acted upon, he still thought them right; and was willing to believe the measures adopted in consequence of them must have succeeded, had it not been from some untoward accidents that could neither be foreseen, nor provided against. It had been strongly relied upon in debate, that America would spurn the offers held out in those Bills. For his part, he was of a very different opinion. He had the most undoubted information, that the Americans were in the greatest distress, and would therefore embrace any reasonable propositions of peace and civil security. But supposing that the colonies should refuse to treat, he could assure their lordships, that this nation had still powerful resources in men and money; and he trusted, a spirit equal to the maintaining of their rights, and the asserting of their honour against every power of every kind, who dared to withhold one, or insult the other. He so far agreed with the noble duke, that the concessions in the Bills were not intended to go so far as to concede the dependency of the colonies on Great Britain; for if the former persisted in their claim of independency, he could assure his grace, it would never be admitted.

Earl *Temple* said, he came down to express his highest indignation and contempt of the measure contained in the present Bills; especially the commissioners Act, which was a pretended copy of that, for impowering the crown, in the reign of queen Anne, to appoint commissioners to treat, relative to an union between England and Scotland. But what was the tenor and spirit of the Act now on the table? Why, the powers of the commissioners were defined; the terms were proclaimed; the point in issue was given up; taxation expressly, and supremacy by implication; and upon what grounds? Before we know that the other party would even so much as treat, you tell America your terms; you give them up so much certain: you encourage them to look for more. Will they not at least hold you to your promise? Are they not at liberty to insist for as much as they please? And even if the fate of war should, after a long and ruinous contest, declare in our favour, are not you, as a matter of right, bound to your first engagement? What was just, fair, and equitable, can never change its nature; so that by disclosing your plan, you leave America to demand any thing she may think proper, and bind yourselves, should the colonies refuse, to fight, not for your rights, which are already given up in this Bill, but for whatever America may chuse to ask. His lordship contended, that no similar instance existed in the history of negotiation. The Bills carried with them certain ruin to this country; or were merely meant to deceive the other. On the other hand, if commissioners were armed with full powers to treat, without disclosing the real intentions of parliament, offers might be indifferently made, and each party having agreed on certain fundamental points, might then, after consulting their principals, be armed with new and sufficient powers to bring the treaty to a fair and full conclusion. He was against the Bill in point of principle; but even if he were not, this mode adopted, of informing those with whom you were to treat, with the great outlines of your plan, was a sufficient reason with him for giving the Bill his most hearty negative. Whatever the real disposition of the House might be, he could not tell: but whether or not a division should take place, he took this opportunity of acquainting their lordships, that he had called upon a noble friend of his that morning, who, as the last act of his political life, learning he was coming down, gave him his proxy, and desired he might give it against the Bill. The noble lord to whom he alluded, he said, was lord Milton.

His lordship said, he believed America had aimed at independency from the beginning. He was assured by an hon. relation of his, now deceased (the late Mr. Grenville) and he knew it to be so, that he applied to the people of America through the channel of their friends in the city, to assist in what manner might prove

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agreeable to them, towards relieving this country from a proportionate share of the burdens, according to their means, which had been necessarily incurred in defending them in the course of the late war, previous to his proposing the Stamp Act: but after several communications and letters on the subject between the persons concerned, the colonies absolutely refused to contribute, in any manner, a single shilling. He had another strong reason to confirm him in the same way of thinking, that was, the pointed observations contained in the letters attributed to M. Montcalm, which indeed bear the stamp of prediction, more than hypothetical reasoning. The authenticity of those letters had been often disputed; but he could affirm, that he saw them in manuscript, among the papers of a minister now deceased, long before they made their appearance in print, and at a time when American independency was in the contemplation of a very few persons indeed. His lordship, after imputing to administration every mischief, which folly, ignorance, temerity, and poltroonery, were capable of effecting, charged them directly, in the present instance, with downright imposition. He asked them, what possible good could result from the present Bills, if what was generally, nay universally, believed without doors was true? He meant the famous manifesto issued by the American agents in France in December, 1776, in which they specially declare themselves independent of Great Britain, renounce all future connexion with us, and inform the several sovereign powers in Europe, particularly those of France, Spain, Germany and Prussia, that they intended to send ambassadors, as free and independent states, and hold out to them, as an encouragement, those general advantages which may be derived from a commerce to be carried on with a mercantile and trading people, and the reciprocal interest arising from such an intercourse. He asked the ministers, if they knew any thing of this public declaration and invitation? And no answer being returned, he observed, that he was convinced ministers were better acquainted with the Book of Numbers, than the Book of Wisdom. His lordship, after condemning ministers for raising the spirit of the nation, relative to the new levies, and letting it down by this disgraceful measure, which, he said, went to throw this country, its parliament, and the people at large, at the feet of the deputies of the Congress, Messrs. Franklin and Deane, represented ministers, as in the act of doing homage to those personages in sack-cloth and ashes. The present Bills, said he, are so disgraceful in every point in which they are to be viewed, that *venit summa dies* may now be unhappily applied to the glory of this country! The late lord Granville predicted that such a day would come: but nothing short of the most rooted folly, and the most abject cowardice in ministers, could have accelerated it so rapidly. With regard to the right of Great Britain to exact a revenue from America, I never entertained a doubt of it, nor that the colonies secretly looked forward to independency. The letters I have already alluded to prove it; it is ridiculous, therefore, to argue, that America had no such view, till compelled to it by the rigour of this country. On the whole, his lordship predicted, that the present Bills, if passed, would prove ineffectual. The commissioners who should act under them would be treated with contempt; and the national character would be additionally disgraced. While he reprobated the pusillanimity and obstinacy of administration, he lamented the fallen condition of this country; reduced, in their hands, to make a public offer of terms, without knowing whether those terms would be accepted; men who had shewn to the whole world they were incapable of conducting a war; and were now preparing to give another proof of their incapacity, by shewing they do not know how to make peace.

The Bishop of *Peterborough* (Dr. John Hinchcliffe), after assuring the House, that he had determined, while measures of coercion were pursued, not to trouble their lordships again with the vain repetition of his objections, added—But solicitous as I have ever been for reconciliation, upon the best terms, which from time to time could be had with America; I cannot but congratulate your lordships on this concurrence of our sentiments, that peace with our colonies is acknowledged to be, according to the expression of a noble lord in office, highly proper, at least, if not, as another noble earl, a friend to administration, declares, absolutely necessary. It nevertheless appears to me, there is but too much reason to apprehend, that the wisdom which our experience has purchased at the price of so much blood and treasure, may still prove abortive, from the vain imagination, that America, circumstanced as she is now, will be induced to treat at

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all, while the sword is drawn against her, and while the terms of reunion, are, after the commissioners shall have approved them, to be still left subject to the controul of parliament. It was this claim of parliament to judge of the sufficiency of the contributions, which principally caused the former propositions to be rejected; and while the least uncertainty remains, whether the concessions mutually agreed upon, will finally be satisfactory and conclusive, I cannot see how it is reasonable to expect, that there can be, on the part of America, that degree of confidence, which is the only foundation of peace. I submit these doubts to your lordships' consideration, on a supposition, that America is not yet formally connected with France: should that be the case, as a noble duke has assured us it is; all deliberation on these propositions, is, I fear, vain and nugatory: the circumstances of our situation call your attention to matters of more immediate concern; nor is the question, whether we are to give up all hopes of regaining America by the sword, but how we are to get our troops back again in safety? But, if haply, America is still at liberty to treat with us, the only way of doing it effectually is to acquire her confidence, by giving her first every testimony of our own. Is it possible to expect she will consent to such a peace, as we may think honourable, unless she is first convinced, we no longer mean hostilities? The propositions, worded as they are, mean to imply acknowledgment of Great-Britain's supremacy. A noble earl has said, that the Americans do virtually renounce their independence, if they consent at all to treat with the commissioners. I cannot, therefore, but observe, that these propositions do at the same time admit, that independence is not (as it has been often asserted to be) the general and main object of America. I am, indeed, persuaded, that it was not so from the beginning; and I do firmly believe, that there is still among those descendants of Englishmen, attachment enough left to the stock from whence they sprung, not only to make them wish for reunion, but dispose them likewise to consult the honour and dignity of their mother country, if haply they were convinced, that she neither means to deceive them at present, or oppress them for the future.

Lord *Osborne* said, soon after he was honoured with a seat in the other House, where a dutiful petition being presented by a respectable colony, it was rejected, with, what appeared to him, a degree of passion and asperity very unbecoming the dignity and wisdom of so respectable an assembly. [It was a petition from the province of New-York, for the repeal of the tea duty.] He said he thought the present Bills well suited to produce the effects expected from them. Every material objection to the claims of this country were removed. Taxation was relinquished farther than it depended on the duty and generosity of the Americans themselves. On the other hand, the supremacy of this country was asserted, and would, if accommodation took place, be preserved. The only colour of an objection to the Bills was, what had been stated by a noble duke early in the day, that a treaty had been entered into by the Congress delegates and the French court; but even though this report should prove true, he did not yet despair but America would quit her former engagements, and return to her native country.

The Earl of *Shelburne* considered the Bills in two points of view, in both of which, he said, they were defective, and proceeded upon wrong principles. The first was, the implied, though not the avowed motives for adopting the present measure, as leaving no other alternative for us to embrace but approving them, or suffering America to render herself independent; the other, the means proposed of preventing the latter part of the alternative from taking effect. On the first of these, he said, he would never consent that America should be independent. The idea he ever entertained of the connection between both countries was, that they should have one friend, one enemy, one purse, and one sword; and that Great-Britain should superintend the interests of the whole, as the great controuling power. That both countries should have but one will, though the means of expressing that will might be different, distinct, and varied. He contended, that all this might have been procured not long since; and he still retained strong hopes that it could be effected, and that, too, without measures of blood. It was once optional, and still possible; and he would never adopt any scheme which would go to dissever our colonies from us; for as soon as that event should take place, then, added his lordship emphatically, "the sun of Great-Britain is set, and we shall no longer be a powerful or respectable people, the mo-

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ment that the independency of America is agreed to by our government!" These terms, he asserted, the Congress would have agreed to a very short time since, and he had hopes they might still be obtained. He reprobated treaties of commerce, as the most ridiculous things in the world; shewing, by a variety of historical precedents, that those which had at the time of making them been deemed the wisest, had always failed, and turned out to no effect: there was a little difference, he declared, between treaties of commerce and laws of trade. The latter were stable, and always worth attending to. He advised ministers eternally to hold this distinction in their minds, and never to give up the Navigation Act. Upon the subject of treaties, he instanced the famous one made with Portugal in 1703, and negotiated by Mr. Methuen, our then ambassador at that court; said it was hardly ratified, when it began to be broke or evaded; till at length it is dwindled to almost nothing: he had taken great pains while in office himself to inforce it; but he found it was impracticable; or, if practicable, it would not be worth the trouble. Trade and commerce between independent states of different interests, would not be restrained; they would of course fall into their natural channels, in spite of every attempt to give them a different or artificial direction. Trade laws were of quite a different nature; they were solemn compacts, in which the interests of the contracting parties were reciprocal, and founded on the same basis. Such were the connections between all states and their colonies; and such were the obligations of interest and good faith, for a faithful performance of such compacts. Among the first of these, and the foundation of all the rest, he ranked the trade law passed in the reign of Charles the 2nd, which united the commercial interests of the whole British empire. That could never be, in his opinion, equitably, nay, wisely broken. It was judiciously framed for the advantage of the seat of empire, and its several dependencies; and, if ever dissolved, would, in all probability, terminate in the ruin of the parties concerned. Even should we be so unlucky as not to succeed in regaining the confidence of America, let it be remembered, that at one time when the throne of England was vacant, and the executive power in the hands of an usurper, at a time, too, when Scotland was divided from England, this country was in so flourishing a state, that every European power courted her friendship and alliance, and there were 6 or 700,000*l.* in the Treasury. Ireland was also equally flourishing. Henry, the usurper's son, was implicitly obeyed there, every part of the government of that kingdom had its proper effect, and the Treasury there also had several hundred thousand pounds in it. The cause of this was the good sense, the judgment, and the vigour of mind which Oliver Cromwell possessed. Government was in his time conducted upon principles of justice, and not on principles of corruption. At that glorious period, Denmark was happy to stand on terms of amity with this country. Sweden sued for an alliance with her. Holland courted her friendship, and dreaded her power. Portugal sought her alliance and protection; and Spain and France alternately contended which of them should stand highest in her favour.

His lordship expressed the strongest sentiments of disapprobation of every idea that tended to admit the independency of America, though allusions to such an admission had been dropped in the House, even from persons in office. He did not mean, that he never would agree to a connection with the colonies as independent states: circumstances might create a necessity for such a submission, though they could not justify the folly or treachery of an administration, which should reduce him and the nation to so abject a situation: but he asserted, that when the day came, on which American independence should be acknowledged by that House, he trusted, that House would, with one voice, call for justice on those who should be the occasion of so fatal a necessity.

His lordship ridiculed the hope of gaining any thing from America by commercial alliances. Such alliances were found by experience to be binding no longer than mutual interest connected the parties. The treaty, therefore, said to be signed with France, had nothing in it to alarm us, unless the acknowledgment of independency; but if the war was instantly put an end to, and the confidence of the people a little restored to us, much might be hoped from the inclinations of people, having the same religion, the same language, the same relations, and interwoven interests with us. Besides, there were many cool, dispassionate, and able men in the Congress; who, when they came to judge, and looked forward to consequences,

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it was extremely probable, that, independent of their attachment to the parent state and those other strong motives of affection, they would plainly perceive, that a connection with this country would be the best means of advancing the interest of their own. But if every honest, every virtuous means, which could now be suggested, for restoring them to our empire, should finally prove abortive, we had, in the late annals of our own history, a lesson of hope (alluding to lord Chatham's administration) which should console us for the calamities which we now feel or apprehend, and will shew us, that under a brave administration, we may yet exist as an empire, nay, even flourish as we formerly did, without a connection with America. The strength of the nation is powerful beyond conception, whilst the people have a confidence in the wisdom and valour of their rulers.

His lordship said, that peace at any rate was preferable to war; and so far as those Bills went towards that object, he would give them his assent: two of them he was ready to support; but he would give his negative to the Bill for appointing commissioners, as he thought it would be inefficacious; for the Congress, seeing the deception intended by it, in authorising the commissioners to treat with separate bodies of the people, and that its object was to divide them, would never suffer them to advance from the lines of their camp; and the apprehension of their terms being afterwards receded from by parliament at the instance of a weak and deceitful administration, would prevent every possible good.

In this part of his argument, his lordship stated the obstacles America had to contend with, in case she should insist upon independence, and take measures accordingly; provided we employed the means properly, which were yet in our power. He said, to the southward we had the Floridas; to the northward Nova Scotia, Canada, Newfoundland, and Cape Breton. In point of conquest, we were in possession of New York, Rhode Island, Staten Island, Long Island, besides the city of Philadelphia, and its environs. He confessed, all this did not hold out any prospect of conquest; but perhaps it held out objects of a more substantial nature. We might command the navigation of the river St. Lawrence and Mississippi, and the communication of the Lakes. In such an event, then, as America proving refractory to all reasonable terms of conciliation, the command of their coasts by superior fleets, and the occupying such parts in the interior country, as would best answer the keeping them in awe and alarm, and maintaining such posts, and opening such necessary communications as might be most conducive to our views, not those of coercion or conquest; in all probability the colonies would soon find themselves compelled to break their foreign engagements, and seek our protection upon fair, constitutional, and secure grounds. To effect this, there ought to be at least a complete army in Canada, of 12,000. Halifax ought to be strongly garrisoned, and sufficient defences made to it as a place of arms. The troops ought to be recalled from Philadelphia, if they had not already made a similar exit from it to that they made from Boston, where their stay can otherwise terminate only in starvation, captivity, or defeat. After pointing out what ought to be pursued, should America prove averse to reconciliation, he contrasted the cruel and ridiculous conduct of ministers. He said he would not, nor could attribute such operations to the good sense and humanity of British seamen, or British soldiers. He presumed they had their instructions from hence. Marching, countermarching, embarkations, debarkations, fruitless expeditions, defeats, depredations coastwise, burning of towns and villages, employing foreign mercenaries, savages, scalping, tomahawking, &c. He said the war was conducted systematically wrong from the outset; that instead of making war in front, by which means you left the enemy at liberty to meet you when they thought proper, or retire into the interior country, you should have secured posts in their rear; forced them towards the sea, and by that means have compelled them from time to time to decisive engagements.

His lordship then considered the Bills in point of effect: he said, they clearly portended nothing but a continuation of the war, upon the same destructive plan, the effusion of more blood, and the waste of more treasure. He thought them every way insidious, and only intended to divide, not to conciliate the colonies. Every plan of conciliation, in such hands, must fail. The claims supported by ministers were by this Bill varied but in name. The preamble to the Commissioners Bill, the mode of appointing and instructing the commissioners, and reserving both, and intrusting

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the treaty to the very men who had been the authors of all our misfortunes, were so many proofs that though ministerial language had changed, the system had not.—His lordship then condemned the shameful subserviency of parliament in their whole conduct, which the noble earl in high office was pleased to distinguish under the name of consistency! If, said his lordship, the noble lord in the other House, (lord North) comes down one day, and tells parliament, "You shall have a revenue, not a pepper-corn, but a clear, substantial, productive revenue," the word flies through every corner of the House, revenue!—revenue!—revenue!—If, the next day, in all the fullness of ministerial supremacy, he says, "No revenue; we must maintain the supremacy," the *fiat* instantly spreads:—supremacy!—supremacy!—supremacy! If again the conqueror of America tells his friends, that the revenue and supremacy are gone, and along with both unconditional submission; that we are no longer to fight but treat; with one voice the halcyon tidings are echoed through, and reverberated against the hallowed walls—treat!—treat!—treat!—Thus, peace or war, submission or no submission, supremacy or independency, revenue or no revenue, it is the same thing with the noble lord and his followers. But if, through this various scheme of monstrous and absurd politics, chance or art should bring about any favourable circumstance, the noble lord will once more appear enthroned in all the fullness of ministerial majesty, covered with graces, favours and consequence, surrounded by his placemen, pensioners, and contractors, supported by his myrmidons, and court janizaries; he will once more, I say, resume his former high tone of command.

The noble earl proceeded to make several animadversions on ministers, whom he represented as the tools of their secret employers. This indiscriminate acquiescence, he said, was extremely criminal, and called in the first instance, for public reprehension; and he hoped in the end, would meet the reward it merited. He contrasted this tame submission to every mandate they received, with the firm and manly conduct of modern ministers, in countries deemed despotic; in the persons of count Kaunitz and the duke of Choiseul, who, sooner than break their words, or act contrary to their own judgment, opposed the will of their respective sovereigns; and suffered what, in the language of the court of Vienna and Versailles, is termed being disgraced; but which in fact, was looked upon by their fellow subjects, in a very different light. Their characters were revered by the people; and such was the high opinion they entertained of those able and upright ministers, that if an occasion served, they would cheerfully trust their lives and fortunes, and whatever they held most dear and valuable, to their care and protection.

The Bills were read a second time without a division.

March 9. On the third reading of the American Conciliatory Bills,

The Earl of *Abingdon* said: I have given no obstruction to these Bills, because whatever bears the name of conciliation with America, though it be a shadow, I am ready to catch at; and for the same reasons (meaning that they should pass) it is not now my intention to divide the House upon them; but, as I am firmly persuaded that these Bills are no more than a continuation of that delusion which has brought this country to its present brink of ruin, and so far from obtaining the end proposed by them, that they are destructive of it, I rise to put my simple negative upon them, and will place my reasons for so doing upon the Journals. And, my lords, having said this, I have only to add my congratulations to your lordships on the late miraculous conversion of parliament to the true faith. Whiggism triumphant over Toryism! Whig measures ingrafted on Tory principles!

"Humano capiti cervicem pictor equinam
"Jungere si velit—risum teneatis amici?"

But, my lords, however pleased I may be with this Centaur not Fabulous, I fear the motives that have produced it are not of the most honest kind. I fear, my lords, that it is a temporary sacrifice only of principles to places, and that when the golden age is over, the iron age will return in its room. This good, however, it must produce: American liberties are hereby confirmed, and put out of the reach of Tory disturbance for the time to come.

The Marquis of *Rockingham* said, the Bills were inadequate, and must prove ineffectual. It had been a language progressively increasing since the commencement of the present reign, that such measures were the King's measures; his Majesty's intentions, &c. But the King's friends, in the course of the present war,

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had ventured a step farther. Instead of calling the war, the war of parliament, or of the people, it was called the King's war, his Majesty's favourite war. The public prints teemed with assertions of this kind. Persons were employed on purpose to write books, pamphlets, and daily publications, in order to disseminate these notions, and make them universal. This, he said, was most insolent and unconstitutional conduct. The King can have no interests, no dignity, no views whatever, distinct from those of his people. The scheme was full of art and perfidy. It was to persuade the body of the people, that the rights of the crown were staked on the issue of the war, which consequently called forth all the friends of monarchy who were ignorant of the deception. The perfidy of this conduct was not more glaring, than the management and address was evident; for, should the war miscarry, ministers had two methods of shifting the odium off their own shoulders. In print and out of doors, the measures were the King's measures. In that House, and the other, they were the measures of parliament. But, he trusted, the day of reckoning would come, when those subterfuges would avail nothing; when, as they could not be the King's measures, it would be proved they were not the measures of parliament, but of ministers. He hoped they had made no improper impression upon the royal mind; but when such men declared themselves the King's friends, and when their services were accepted of, he trembled for the consequences. His lordship then reminded ministers of their uniform language of supremacy, conquest, or unconditional submission; their frequent predictions; their boastings of our internal and naval strength, and great resources; their assurances of not only the pacific but friendly dispositions of France and Spain; against which he brought, in a strong point of counterview, our defeats, our loss of men, waste of treasure, and threatened war with France; America independent, national weakness, divided councils, sinking credit, ruined finances, and exhausted nation, and, in case of a war with the House of Bourbon, a total inability either to make peace with the colonies, or defend ourselves against the attacks of our foreign enemies. The country gentlemen had been deceived and abused; and they were now, when too late, ready to catch at any thing which might promise peace. The minister promised them a revenue, and unconditional submission formerly. By the present Bills he promised them peace; and by what he could judge from their texture, he would disappoint them in this, as he had done uniformly from the beginning.

The Earl of *Bristol* said, he wished for pence with America, but these Bills, so far from being likely to obtain it, would sound the trumpet of war to all the neighbouring nations. In short, the measure was impotent, ignominious and ineffectual.

Viscount *Townshend*. My lords, as the noble earl has risen to give his dissent to the Bills before you, I shall request your lordships' attention for a short time, rather to justify my own consistency, than from any utility I can propose by dividing the House upon them. Alas, my lords, the calamity has already prevailed, and the humility and degradation of the British empire has already reached those nations, who have so long revered her reputation and power. It appears useless, therefore, for us to give a negative to the present Bills; introduced by government, and passed by the other House, what can any of us propose afterwards? Who but the House of Commons can support the war? And therefore, my lords, were I to dwell upon this melancholy and degrading subject, it would be more like making a funeral oration over a much-honoured parent, than assisting the desponding family. If I knew any measure, after what has passed, that I could wish to propose, I would join the noble earl in rejecting these ignominious, and I fear ineffectual Bills; but if nothing better can be offered, and our national honour is lost, I own I would rather abide by these puny efforts at conciliation, than that an experiment should be made which could only gratify the purposes of party. And now, my lords, allow me to say a few words upon the subject of ministers, who have been so frequently blamed for this war. It was certainly no war of their seeking; it could be neither their wish to provoke it, nor interest to continue it. It was a melancholy legacy left them by their predecessors in office. What minister would have dared to abandon the constitutional rights of this country? They descended to them by the example of former times, by the statutes and council books, and by the opinion of the greatest lawyers; and, as much use has been made of the names of Whig and Tory, give me leave on this occasion to say, by the firmest Whig lawyers that ever graced this

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kingdom, from lord Somers down to lord Hardwicke: upon their decisions and authority, and not upon any presumptuous opinion of my own, I conceived we had a right to tax the colonies. How we lost it, I will not enter upon: but I will venture to say, that the fluctuations of councils, the repealing in parliament in one session what you had enacted the preceding, and your own inconsistence, have contributed more to our present disgraceful situation, than all the indiscretion of the ministers, or the disappointments of the war. With respect to the war, it is not a time to enter upon any discussions of it; but I cannot help adverting to what was dropped by a noble earl in the last debate, that if these Bills should prove ineffectual, you might yet contract and improve the powers of this country, as in former times, when this nation made a great figure. I agree with the noble earl, that by this plan, our situation is by no means so desperate as seems to be conceived, although I believe the present humiliating measures must have been derived from some circumstances of dire necessity. I will not ask what this circumstance is, because I wish not to publish it to our enemies. But, my lords, I must observe, that it is the first time I ever heard that a great state, or indeed any small one, suspended its efforts, or despaired of success, because it had lost a corps of 3 or 4,000; or that, because it could not reduce a vast continent in one campaign, gave up the whole object of the war. Many have advanced, that American affairs were in a worse situation than ever. Let me recall your lordships' attention to that period, when sir William Howe was cooped up in Boston, and brought off his army on short allowance, and no one knew where the winds would carry them, to Halifax, to the West Indies, or perhaps to Ireland! You then gave up Quebec as lost, you trembled for Halifax. You now possess not only Canada, but Halifax, Rhode Island (an admirable post and place of arms): You have gained New York and Long Island, and are in possession of Philadelphia, which perhaps is no more than a second Boston, except its not being commanded by heights. Yet what country is to be reduced by operations in front? what enemy is to be brought to a decisive action he chooses to avoid, having an extent of country behind him, unless you can turn his flanks, or get between him and his magazines? I speak on known principles; I arrogate not the character of a great officer; I appeal to those who have had greater commands, and know the country better than myself.

Let me ask you then, can you send 20,000 men more to your general, or land them behind Mr. Washington in Virginia, between him and his magazines? If not, let your general there advise you how to change the plan of the war; it is by no means a desperate task: you have still a resource; I will not enter upon it at present; I believe the noble earl who suggested it the other day is well informed upon this point, and I will drop it. I was likewise happy in hearing a noble earl in high office say, we had still resources left. But, my lords, the use I would wish to make of this subject, is, to engage your attention to a part of the British empire, which has seldom offended you, never deserted you, nay, always supported you; to a nation whose utmost efforts in point of produce, inhabitants, and personal exertion, hath been freely and generously devoted to the British empire: it remains, my lords, with your justice and prudence, and that of the government, to consider and cherish at an early hour this great support of your declining empire: your lordships must anticipate the country I allude to. My lords, consider in God's name in time what you owe to that gallant and impoverished country; suffer not your humiliating proposals and offerings to be laid at the feet of the Congress, in whose front of battle, if I am not misinformed, the poor Irish emigrants perform the hardiest service: let us consider that country as a part of ourselves; open the Irish channel to your best service; avail yourselves of her excellent ports; cramp not their industry for purposes I will not mention; shew you can cherish your affectionate, if you cannot reclaim your ungrateful children.

Lord *Camden* concurred in the sentiments of the noble lord who spoke last, respecting Ireland. He said, Ireland deserved every possible encouragement. We were compelled to it by every motive of interest; we were bound to it by duty; and ought to have been urged to it by gratitude. He hoped to see those narrow short-sighted prejudices, which prevailed in our public counsels respecting Ireland, at length give way to a more wise and liberal system of policy. Ireland, when she experienced the advantages of a mild and wise government, would be impressed with additional reasons to strengthen that

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spirit of loyalty and obedience, which had so characteristically distinguished her, under a dominion, he was free to say, far from being gracious or kind. If, therefore, the noble viscount, or any other noble lord, should think proper to move a committee to examine into the nature and extent of the hardships that country suffered, he would most gladly give every assistance in his power to forward an enquiry which must, in his opinion, tend so much to the respective interests, strength, and riches of the two kingdoms. He said, he never heard one solid objection to the taking off the restrictions on the trade of Ireland. He knew, even in a partial, contracted view, they were of real disservice to this country; but upon a more liberal scale, they were actually pernicious. Leave the trade of Ireland open, that kingdom will increase in wealth and population. That wealth will ultimately be yours. Like the blood returning to the heart, the health and vigour of the dependent parts will add new vigour to the whole body. The riches of Ireland, after fructifying that country, will finally rest here; and Ireland, in return, will profit by the opulence, as she will be protected by the power and greatness of the parent state.

His lordship then gave his sentiments on the Bills. He said, in the solemn silence which had been observed by the authors of the present measures, so contrary to all their former declarations, no reason had been assigned for so sudden a change of opinion, but necessity. What have ministers done? They have founded their justification on necessity, without giving you the least intimation what the necessity is, in order that the House may be enabled to judge, whether it is well or ill founded. No, you must trust them in this as in every thing else; they think there is a necessity, and that is sufficient. If you ask them what the necessity is, they are silent, or tell you they do not know. Is it the treaty entered into by the American delegates with France? They know of no such treaty. Is it inability in point of men and money to prosecute the war? Not at all; the resources of this country are great, says a noble lord high in office, and equal to the task of compelling the colonies to agree to reasonable terms of accommodation. Is it that our claims of supremacy and taxation were unjust? Not that neither. Ministers, though they have changed their measures, have not changed their principles. Is it the want of men? No, the spirit of the nation is high, the war is popular: it is the war undertaken purely to assert the supremacy of parliament and the rights of the people; it is a war of popular rights. What then, is it, in God's name? It is neither a want of men, money, justice, popularity, spirit, nor a fear of being involved in a war with France; but it is necessity; and who can dispute about its existence with the noble lords, who, from their exalted official situations, ought to know best, and have told you? The declaratory Bill, relative to the taxation of America, reserved the right, while it professed to give it up. The purport of it was rather, he said, to express the reluctance with which the claim of taxation was given up in part, than to shew fairly and openly, that America should not be taxed in future. Why not renounce the right at once? Ministers knew the inexpediency of exercising it; they knew they dared not attempt it. Would it not, therefore, be more noble to give it up, explicitly and directly? The mode of meeting the wishes of America in this manner, afforded strong ground of suspicion to the people of that country. It bespoke a shyness, a dislike to do justice, and agreed with those terms, which the ministers themselves acknowledged, had only originated in the most pressing necessity. Again, the same Bill declares, that the troubles arose on account of misrepresentations relative to the exercise of this right. Then, either we had the right, and are yet competent to exercise it, or we never had it, and grant by the Bill what was never in our power to give. But the right of taxation is still more than implied; it is in fact asserted; for it declares, we will never lay any taxes upon America but to regulate their trade. Is not this an assertion of not only the right, but our intention to exercise that right? Oh, but the monies levied under this authority are to be applied to the uses of the respective colonies where such monies shall be raised. To whom, my lords, is this extraordinary language held? To people who know you act from motives of necessity, and who are wise, sagacious, and penetrating enough to descry, under this pretended candour, concession and good will, the same principles directed towards the attainment of the same objects, though by a different mode. What does the next Bill say? (that for repealing the Act for altering the charter of the province of Massachuset's Bay!) Precisely

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the same thing. Instead of condemning the Act, and disavowing the principle on which it was framed, it talks of uneasinesses and misapprehensions. And what more does it contain? Nothing, but a simple repeal, on the same grounds of concealed necessity. Instead of ministers acknowledging themselves the aggressors, or that they proceeded upon misinformation; instead of pledging themselves under the sanction of parliament, that the charters of the respective provinces shall be preserved inviolate, they tell the party aggrieved, that it was their own fault: they assert, by implication at least, that they were right, and justify their present concession on the ground of necessity; a circumstance which would serve to inflame, and not tend to heal the breach between the two countries. When ministers consented to repeal the Charter Act (for he understood the proposition for a repeal did not originate with them) why not declare at once, that this kingdom would never again meddle with a tittle of any of the American charters? Why not in the moment of remedying one grievance, give assurance to the colonies, that they should never have cause for a second complaint of a similar nature.

His lordship came next to the most material of his objections against the Bill for sending out commissioners. This, he said, meant nothing, or worse than nothing; it seemed much better calculated to divide than conciliate. It empowered to do, what? To treat with America, and then return to Europe to consult parliament. This wears a very suspicious appearance. Why not, instead of arming commissioners with powers, not to be regulated, nor of course properly exercised, why not repeal the obnoxious Acts at once? Such a conduct would shew that you were in earnest. The commissioners are charged and restricted by the Bill, to take care of the rights of the crown, and the liberties of the subject; the most vague, indefinite words imaginable. What are those rights? And what are the privileges alluded to? How can men act under such powers? And if they should act under them, what possible security is there, that either the crown or parliament will consent to abide by them? No; blundering as ministers are, ignorant as they have proved themselves, they seem to have taken care, by the terms of this Bill, to disavow its ostensive purposes, whenever they shall get rid of this necessity, which they seem so desirous to conceal. His lordship asked, why administration could not at the outset have proposed the repeal of the obnoxious Acts all together, previous to the sending out the commissioners? They could not be ignorant, that if America consented to treat at all, she would make that the *sine qua non* of every species of treaty. The truth is, they want to rest on their arms, and to draw breath; to keep their places in the mean time, and wait for some favourable event, either by dividing America, or when they have got clear of this accursed necessity, return to their old principles, which they have been honest enough to give but nominally up. As a matter of constitutional import, distinct from the Bill, his lordship reprobated in the strongest terms the suspending power vested in the commissioners. It was a clause of dangerous precedent; and, if he let it pass without a particular opposition on the present occasion, he wished to be understood, that it was not without a high degree of disapprobation; and hereafter, if a similar measure should be repeated, he should most certainly give it a separate and distinct opposition. He added, that if the necessity which the ministry assigned as a cause for their at this moment adopting a measure repeatedly suggested by opposition, and which a little time since might have been put in practice, with a moral certainty of success, and with a colour of more honour than at present, if that necessity arose from a knowledge of a treaty, offensive and defensive, having been agitated, or signed, between France and America, which had been mentioned, it was the duty of ministers explicitly to tell their lordships how that matter stood. The King's servants could not be ignorant of the truth of the business. It had come out in the lower house of parliament three weeks since; there had been time and time enough for them to have ascertained the fact; nay, report said, that they not only knew it, but that they had sent emissaries to tamper with Dr. Franklin and Mr. Deane, the Congress's deputies to the court of France, to whom they had offered the terms which these Bills on the table went to authorize, and the terms had been rejected with contempt. Report, indeed, went further; report said, that they had even applied to the Congress in America: that they had stated every proposition they meant to offer, and that they had been rejected. If the fact were so, his

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lordship said, nothing could excuse, nothing could palliate the presumption and the wickedness of holding out such a trick, such a deception to the nation, as the present recanting scheme manifested in the Bills upon the table, which, if not successful, must add to our difficulties, and increase our dishonour. In order more fully to shew the folly of sending out terms which were likely to be refused, his lordship desired the ministers to advert to the inevitable consequences of a nugatory treaty—a war with France and Spain; and to consider, whether a country so fatigued with a contest with one foe, as to be forced to acknowledge an indispensible necessity of making unlimited concessions, in order to procure peace, was capable of fighting three enemies at once; to maintain her quarrel with America, and at the same time to give battle to her two seconds, France and Spain, who came fresh into the field. His lordship, before he concluded, said, that America would never treat with the present ministry, and that while they remained in office, it was idle for the people of this country either to expect peace, happiness, or honour.

Lord *Lyttelton* defended administration on the ground of necessity, and said, the exigencies of affairs made it necessary for them to alter their measures; that the present Bills were not acts of inconsistency, but a desire to do that at a less expence of blood and treasure, which they, in all probability, may command in two years time. The present necessity of giving up the exercise of the right of taxation, in which he thought the supremacy of this nation involved, did not arise from the faults of administration, but must be in the execution of their plans. He blamed the inactivity of general Gage at Boston, and the backwardness of general Howe, who appeared to have acted with an ill-timed prudence, when every thing depended upon an expeditious exertion of our force.

The Duke of *Grafton* rose to rescue his administration from the general censure which had been thrown out upon preceding administrations, under which the seeds of this rebellion were said to have been sown. He defied any lord to point out a word respecting the discontents in America, in any speech delivered to parliament by his Majesty, whilst he was in office. He did not, however, assert, that the colonies were perfectly contented at that period; they had begun to exhibit some marks of discontent. He might compare America, at that time, to a generous steed, who had become a little restive, but might, by the experienced *manêge* of a good horseman, be easily brought to a gentle obedience; but when whipped, spurred, and harrassed, by a giddy, wanton rider, became insolent of controul, and disdained the reins. He then turned to the intended commissioners, and said, he understood that the two commanders in chief by sea and land were to be in the commission. This he thought highly imprudent, as though they might be excellent commanders, yet they might not, like the great Marlborough, unite the powers of negociation with the talents of war. He then alluded to the report of the appointment of lord Carlisle to be one of the commissioners; and though he gave the noble lord credit for abilities and many amiable qualities, professed that he thought his lordship capable of almost every trust that his Majesty could repose in him, except the present; for there were certain prejudices in the people of America against certain peculiarities of his lordship.

Earl *Gower* defended the abilities of his noble relation (lord Carlisle), and doubted not he would execute any trust of negociation with honour to himself, and satisfaction to their lordships.

The Bishop of *Chester* (Dr. Beilby Porteus) spoke for the first time. He was favourable to conciliation with America, and quoted the Abbé Raynal, who had recently published his thoughts on the nature and probable consequences of the present dispute between Great Britain and her colonies. This man, though a professed advocate for America, and a strong patriot, says, that it is not for the interest of America to separate herself from the parent state; nay more, that it is not good policy in France to support the pretensions of the colonies; the municipal rights and local privileges of America it is the interest equally of all parties concerned to continue in their former situations. From these general acknowledged principles of sound policy, the right rev. prelate concluded, that Great Britain and America, when their passions were a little cooled, and their animosities subsided, would on motives of fraternal affection, as well as reciprocal interest, perceive, that they had been both in the wrong, and once more unite and agree upon terms of the most perfect amity and good-will. Some, said the right reverend

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prelate, think the Bills offer too much, others say, they offer too little; therefore, I think they contain just enough.

The Duke of *Richmond* retorted, that the right reverend prelate had found out a new mode of reasoning, namely, that that must be right, which pleased nobody.

The Duke of *Gordon* said, he would assent to the Bills, not that he liked them in all parts, but as the only pacific terms offered. This, he said, he did entirely from himself, without the influence of any minister; and though he held his seat there as one of the sixteen peers, he would relinquish that seat, before he would be dictated to by any administration whatever.

The Duke of *Richmond* complimented the noble duke on his manly spirit, and pledged himself to join him and others in going into an examination of ministerial power over the freedom of the election of peers in Scotland, an instance of which he gave in the case of the earl of Stair. His grace then said, he wished the commissioners to be sent out, might be, as they ought to be, men of great political knowledge, great weight, great moderation, and high characters; the nature of the embassy demanded such men, who had the good sense to yield little forms, and take proper advantage of all occasions: but, said his grace, the persons to be sent out, are, I fear, inadequate to this task; one being a noble lord, young and inexperienced in those matters; another a clerk in office; another belonging to one of the public boards, besides the commander and admiral in chief. Now, I have lately been acquainted, that one of the governors in America, making exceptions to some of the Congress sitting in council with woollen caps on, they were highly offended, and persevered in doing so. How inadequate, therefore, must this embassy be, where a noble lord, bred up in all the softness and polish that European manners make fashionable to rank—I say, how inadequate must such a meeting be amongst men in woollen night-caps! His grace concluded by saying, if administration meant to succeed in these Bills, and not trifle with the nation, they should have dealt with more candour and sincerity, and let both have appeared in the choice of men, and the powers entrusted to them.

The Bills were then passed.

The Earl of Abingdon's Protest against the American Conciliatory Bills.] The following **Protest** was entered:

"Dissentient.

"Because the terms now offered by the above Bills to America, whilst sufficient to shew the very humiliating state to which the dignity and boasted supremacy of parliament are reduced, are insufficient to the great end of conciliation proposed by them; and for the following reasons:

1. "Because (as to the first Bill), a declaration not to impose taxation on America, is, in the very suspension of the exercise, a confirmation of the right; for, without the right, the declaration is void: whereas America denies the right, and upon that ground resists the exercise. If the right, then, be reserved, the object of resistance remains: and so remaining, may be exercised whenever any future Quixote ministry, in example of their predecessors, shall be led to convert history into romance. But it is objected, "that a right cannot be surrendered:" so neither, if it be a constitutional right, can the exercise of it be dispensed with; for what repels the former must equally counteract the latter. But this is no constitutional right; on the contrary, the constitution reprobates and disavows it. For taxation and representation are constitutionally inseparable, and America is not represented; of course, America cannot be taxed. Whilst America, therefore, will not accept that by courtesy of parliament, which she holds in right of the constitution; and for the good reason, that an act of parliament is revocable, and the constitution irrevocable; it follows, that a renunciation of the right, and not the mere suspension of the exercise, was the proper object of this Bill.

2. "Because (as to the second Bill), the appointment of commissioners to treat with any person or persons, other than the Congress, is so glaring a manifestation of the intention of such treaty, as must necessarily occasion a circumspection in the Congress that may not be much to the ease of the commissioners themselves.

3. "Because, although the commissioners and the Congress be agreed, such agreement is of no effect till confirmed by parliament; which is giving such advantage to parliament, by knowing what Congress will do, and is of such disadvantage to Congress, by not knowing what parliament will confirm, that the very inequality of the conditions will put a stop to accommodation.

4. "Because, as the withdrawing of the troops would be the saving of the army

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(not to mention the policy of the measure upon other grounds) so the ceasing of hostilities there, will, by fatal experience, prove to be the loss of it. The remains of general Burgoyne's army are now constituting a part of the great yeomanry of America.

5. "Because the Prohibitory Act is to be suspended under exceptions and restrictions, which exceptions and restrictions (and whilst Great Britain is under neither) intending a restraint upon the supplies of America, are neither liberal in proposal, nor probable in acceptance.

6. "Because, among the many things to be done, the one thing needful is to be left undone. The Quebec Act is to remain without suspension. The power given to the commissioners is, "to suspend the operation and effect of any Act or Acts of parliament, which have passed since the 10th of February 1763, and which relate to any of his Majesty's said colonies, provinces, or plantations in North America:" but Canada is not one of the said colonies, provinces, and plantations, referred to in the Bill, and therefore the commissioners have no power to suspend the operation and effect of any Act or Acts of parliament that relate to Canada. This, then, will create a stumbling-block insurmountable at the very threshold of negociation. For, besides the establishment of despotism and popery in Canada, under which America will never sit quiet, this horrid and unconstitutional Act, by extending the boundaries of its province, has invaded the property, and removed the land-marks of its neighbouring colonies; a violation that justice should redress, if America were even silent thereupon.

7. "Because power is given to the commissioners to grant pardons to people who not only say they have been guilty of no offences, but the very Bills themselves say the same thing for them: for, besides acceding to the claims of America, the Americans are stiled his Majesty's faithful subjects; and to pardon faithful subjects is an act of supererogation, if not of absurdity.

8. "Because the appointment of governors being now in the hands of the Congress, an attempt to supersede that power, before it be known whether the terms offered be accepted, looks more like having an eye to that Machiavelian maxim, of "*divide et impera*," than to the more solid benefits of a general union.

Lastly, "Because concession now, like a death-bed repentance, comes at the last hour; and being, as avowedly, the effect of necessity, and not of principle, we are left under all the fears and apprehensions of dissolution, and without the hope of salvation but in the magnanimity of America; a magnanimity however, which we have already experienced, and which (by insisting on the justice of removing from his Majesty's councils those evil ministers who have trodden on the liberties, and, with savage cruelty, spilled the blood of America, and, by placing in their room the friends of humanity and of the constitution), may restore us to that health and strength, and again to that peace and empire, which was once the boast of this country, and the terror of the world beside. ABINGDON."

Debate on the Budget.] March 6. Lord *North* began with explaining the terms of the loan. He enumerated the several sums that had already been voted this session by parliament, to which he added those that would probably be still voted to complete the supplies of the current year, amounting to 13,230,318*l.* 2*s.* 10*d.* Towards defraying this expence, he reckoned the land and malt tax, 1,500,000*l.* exchequer bills as usual; and taking the sinking-fund by anticipation upon a 5th quarter, at 3,000,000*l.* with some inferior articles, amounting in the whole to 7,294,786*l.* 0*s.* 6*d.*$\frac{1}{4}$, leaving a balance of 5,935,562*l.* 2*s.* 3*d.*$\frac{1}{4}$. So that he proposed to borrow six millions upon the following terms: each subscriber of 100*l.* to be entitled to an annuity of 3*l.* per cent. which he valued at 66*l.* 10*s.* A farther annuity of 2*l.* 10*s.* for 30 years; which, at 14 years purchase, was equal to 35*l.* And a proportionable share of 48,000 lottery tickets; that is, eight tickets for every 1,000*l.* subscribed; the probable profit on which would be 3*l.* each; which for every 100*l.* was 2*l.* 8*s.* Total 103*l.* 18*s.* He observed, that much art had been used, both at home and abroad, to depress the credit of the nation, and even to prevent the loan from being obtained altogether; for this reason, he wished the advantage to the subscribers might be considerable; for that it was better to grant ample terms, than to risk a bargain that might ultimately tend to our discredit. He therefore thought it both just and wise to give the subscribers such a bargain as might turn out a profitable one. That he had held

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out no false colours to the lenders, nor let one syllable escape him, in regard to the probability of a war with France, (the apprehension of which had lately so deeply affected the public funds), that they might not have it in their power to reproach him with events that might happen; that they therefore knowingly run the risk of that contingency; that he rather chose to borrow upon worse terms, than to hold forth flattering hopes of any kind whatever; that several reasons might be assigned for the present scarcity of money, besides the rumour of an approaching war; such as the extravagant speculations many of our merchants had lately run into with regard to the ceded islands, and the prevailing fashion of enjoying their fortunes immediately, or rather by anticipation: that besides, giving good terms now, secured our credit in future; that the stocks, he apprehended, would not be lower, were a war actually declared; and that the money was actually subscribed by substantial men, who were themselves able to advance it. With regard to the annuity part of the loan, he observed, that it was more advantageous to the public, to grant it for 30 years than for a longer term; as the long annuities, of which there were above 82 years to run, sold now at 20 years purchase. And as it might better suit some persons to have their annuities converted into a life annuity, and which would be of no prejudice to the public, he meant to put it in their option to do so.—Among other particulars, he took notice of the experiment he had made of criminal labour upon the Thames, which had answered beyond all expectation; and hinted at a farther extension of the plan over the whole kingdom; and that, to ease the counties, it might be adviseable to bring to a sale such of the royal forests as were now of little or no use, either for the growth of timber, or for royal grandeur.—He took occasion to observe upon the extensive resources of this country, notwithstanding the despondency of some individuals; in particular, several accessions the sinking fund would receive within a few years, such as 140,000*l.* of exchequer annuities, between 1792 and 1798; and therefore, that in general it was better to borrow on higher terms, in a way that should in a course of years be adding to that fund. His lordship said he should enter upon the subject of the new taxes on Monday the 9th.

March 9. Lord *North*, in the Committee of Supply, opened his speech by acquainting the House, that the interest to be provided for was 330,000*l.*; that to pay this it was necessary to provide a productive tax; that it was difficult to fix on any that would not be, in some degree, unequal: that he wished to avoid burthening the lower ranks; that it was not easy to come at the real property of individuals; but that one ground of judging of this, which prevailed in all nations, was by the expence at which they lived; and this, though it might not answer in every single instance, was yet a very good general rule; that laying the tax upon the consumption of commodities was both equal and palatable, as the resentment of the person taxed fell on the dealer, and not on the officer of the revenue; that the taxes on coaches, on servants, and on houses, were proper and eligible, as they were visible signs of ability to pay them; that a tax on bricks and tiles had formerly been thought of and rejected; as likewise taxing houses by the extent of their fronts, or by the number of their chimnies, which was the same as hearth-money, neither of which afforded a just estimate of the value of the house. He proposed, therefore, to exempt houses under the rent of 5*l.* per annum from all taxation; that houses from 5*l.* to 50*l.* should be rated at 6*d.* in the pound, and from 50*l.* and upwards at 1*s.* to be paid by the occupier; that this tax might be levied by those who collected the window tax, with a little additional assistance for a year or two, till the rates were fully adjusted. He then proceeded, by the assistance of the window-tax, to form a computation what the present tax would raise; which he reckoned as follows: in England and Wales, 259,000*l.*; in Scotland, 5,000*l.*; in all 264,000*l.* He then proposed an additional tax on all wines imported, of eight guineas per ton, or 2*d.* a bottle, on all French wines, and four guineas per ton, or 1*d.* a bottle on all other wine, which he computed would amount to 72,558*l.* in the whole 336,558*l.* being 6,558*l.* above the sum wanted.

Some debate ensued. The gentlemen in opposition saw the taxes in a very contrary light, and considered them as highly oppressive and disproportionate. It was not, they said, from the rent of a house, that we could judge of the circumstances of the tenant; since tradesmen were obliged to possess houses commodiously

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situated, however highly rented. In several parishes of London and Westminster, the houses were burthened by the land-tax, poor-rates, window-tax, pavement, lights, watch, &c. to the amount of 8*s.* in the pound, and upwards; and it so happened, that the parties most heavily burthened were the least able to bear it. The wine-tax was opposed only with regard to the Oporto, as it affected the commercial alliance subsisting between Portugal and us, and might produce a tax there on the importation of British manufactures.

The Resolutions were agreed to.

Mr. Gilbert's Motion for a Tax of One-Fourth on the Incomes of Placemen and Pensioners.] Mr. *Gilbert* then moved, "That the better to enable his Majesty to vindicate the honour and dignity of his crown, and the dominions thereto belonging, in the present exigency of affairs, there be granted to his Majesty one fourth part of the net annual income upon the salaries, fees, and perquisites of all offices under the crown (except those held by the Speaker of the House of Commons, the Chancellor or Commissioners of the Great Seal, the Judges, ministers to foreign parts, commission officers in the army and navy, and all others which do not produce a clear income of 200*l.* per annum to the person or persons enjoying the same) and also of all annuities, pensions, stipends, or other yearly payments issuing out of the exchequer, or any branch of his Majesty's revenues, after deducting all fees, taxes, and other out-goings charged thereon by authority of parliament; to commence from 25th March, 1778, and to continue for one year, *and during the continuance of the American war.*" [The words in Italics were added by way of Amendment.] The committee divided upon this motion: Ayes 100; Noes 82.

March 10. The Resolutions of yesterday were reported, and all agreed to except Mr. Gilbert's motion, upon which the House divided.

Tellers.

Yeas	Mr. Gilbert Mr. Baker	141
Noes	Sir Henry Hoghton Sir Grey Cooper	147

So it passed in the negative.

Mr. Sawbridge's Motion for shortening the Duration of Parliament.] March 11. Mr. Alderman *Sawbridge* made his annual motion, That leave be given to bring in a Bill for shortening the Duration of Parliaments. No debate took place. The question was called for, and the House divided:

Tellers.

Yeas	Mr. Ald. Sawbridge Mr. Baldwyn	32
Noes	Mr. Penton Mr. George Onslow	83

So it passed in the negative.

Debate in the Commons on the State of the Navy.] The House went into a committee on the State of the Nation; in which,

Mr. *Fox* moved, "That the present state of the royal navy for the defence of Great Britain and Ireland, is inadequate to the dangerous crisis of public affairs."

Mr. *Temple Luttrell* began with an apology for the length of time during which he must trouble the committee; but presumed he should stand excused, when it was considered that the several official papers now in review, had been, almost every one of them, ordered by the House on his requisition, after reiterated charges during the present and two preceding sessions, of venality, profusion, and fraud in the present ministers for the Admiralty; and which charges he was now to maintain and make good, from official and uncontrovertible proof. He had been greatly flattered, by finding that the sense of the other House had gone along with him, in calling for copies of the same accounts; but he had reason to be still further satisfied to find these very testimonials precisely correspond with the state and condition of the royal fleet, as he had described it before Christmas last. But though he was sufficiently used to the confidence of the Admiralty-gentlemen, not to be much astonished at their barefaced denial of the only authentic vouchers for their conduct and expenditure, as had been forcibly demonstrated by an hon. admiral in his eye (admiral Keppel); yet that the majority of the House should be the dupes of such fallacy, or wilfully shut their eyes and ears, and become accomplices in the guilt, yet he could scarce suspect they would go so profligate a length, to abet any wicked minister whatever. An hon. gentleman (admiral Palliser) had alleged that there were two distinct classes of 74 gun ships; that those of

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the larger construction, and heavier weight of cannon, have a fixed complement of 650 men, according to the last establishment; and instanced the Valiant as of the latter class, which he boldly asserted to be manned with her complete war-complement. Now he defied the hon. gentleman to point out, excepting the Valiant, one ship of 74 guns in the whole navy, which was allowed 650 men complement; and he would read the number actually borne and mustered on board the said ship from the last office accounts, and shew the accuracy of the hon. member's representation. [Mr. Luttrell here read from the weekly returns, the number actually borne, mustered, and victualled; and the former amounted to 539 only, and the latter to 509.] It appears, by the returns of the royal navy, for the defence of Great Britain and Ireland, that at the end of last November there were, yachts, cutters, and armed merchantmen included, in all 105 sail, among which we reckon 45 sail of the line of battle, and of them 25 carry 74 guns; of which 25, not more than two or three muster within 50 men of the reduced war-complement, nor within 100 of their proper war-complement: for I contend, that less than 650 will not be found sufficient for ships of that class, according to the modern construction and size of ordnance. The size of a 74 gun ship, on the improved scale, is from 200 to 400 tons more than at the commencement of the last war; and with the number I propose, the sea-officers opposite to me will understand, that, in case of the necessity to quarter the crew at the starboard and larboard tiers, both at one time, as may possibly occur in passing land-batteries, or engaging amidst an enemy's fleet, not more than seven private men can be allowed to a 32 pounder. Lord Anson, in the last war, found 650 men absolutely necessary for the complement of the 74 gun ships, that they might never go into action with fewer than 600: as a considerable deficiency must always be allowed for captains' servants, and the servants of other officers, widows-men, sick on shore, or absent on the duty of the ship in the room of pressed men, &c. I have not selected the 74 gun ships as in a worse state than the rest of the ships in commission; though the 25 sail have not within 3,300 of their reduced complement, nor within 4,500 of the proper complement for war. The second and fourth rates are still more defective, and the 64 gun ships in the same condition; and if it were not for an imposing ostentatious parade of pendants at Spithead, and the advantage of conferring a multitude of professional favours, the noble earl at the head of the Admiralty would do well to turn over the seamen from one third of the men of war now in commission, that the remainder might be of a proper force. The hon. member who so ably opened this debate (Mr. Fox) has justly stated that the numbers borne aboard the 105 sail before mentioned for the protection of these islands, did not, in November last, exceed 25,550; in America 15,365, being 82 sail: in Jamaica 3,168, being 23 sail; and on all other stations and services collectively, that is, the Leeward islands, Newfoundland, East Indies, Mediterranean, together with two ships on discoveries (and a very few of an inferior description, not included in any return on your table) amounting to two men of war of 60 guns, three of 50, 11 frigates, and 14 or 15 sloops or armed vessels; if every one of them had a full war complement on board, they could not reckon 4,500 men, making a total of seamen in November 1777, to fall short of 48,583, including marines aboard, and serving ashore, supernumeraries, and every person whatsoever nominally in the pay of this country. It is evident, from the same circumstantial returns, that the whole of the victualled in the royal navy, throughout the universe, including supernumeraries and marines, could not exceed 47,407. Yet, by an official paper, delivered in before the last recess, the numbers borne in September last, previously to the very large additional supply of hands, from stripping your autumnal fleets of merchant ships, are made to come up to 55,000, and the victualled to 51,715; which must be a most daring and atrocious imposition upon parliament and the public. However, Sir, I admit that such imposition is not without a precedent; for we are used to deceit of this nature of late years, on a like annual motion, which has been customary ever since the year 1750, when it was first approved of and admitted, to shew us, as was then expressed, the savings or exceedings on the allowance of 4*l.* per month each man, voted for the service of the year; a striking example of a similar piece of iniquity, and from the same delinquents, may be seen on your Journals in the spring of 1772, when an account was given to parliament of the number of seamen and marines actually borne aboard the

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royal navy during the preceding year, at a medium of the several months, and specified to be under 32,000; yet, within a few pages of that very account on your Journals, you meet with a charge on the nation of near 2 millions sterling; being, if you allow for deaths and desertions, the full pay of 40,000 men at 4*l.* per month each man: consequently, there is a complete embezzlement of above 480,000*l.* The truth is, that, in 1771, at a medium of the months, the number of seamen and marines in the actual pay of the public, fell short of 28,000 men; which proves that we were defrauded of more than 600,000*l.* in that year, upon this one article of expenditure, accounted for in the sea department; an earnest of the present first lord's integrity at his entrance into the naval direction. In November last, the numbers actually mustered upon all the returns throughout the globe, and which constitute the real force of your navy, were fewer than 44,500; and if you set off desertion, &c. against those who may be sick in hospitals, or absent with permission, or on the service of the ship, you will find the 4*l.* per month each man, allowed by the nation, to be applicable but to few more than the numbers actually on the muster-roll.

Let us now take under consideration the monies of late years granted by parliament, upon the ordinary and extraordinary estimates of the navy, delivered in by the Navy-office to the Board of Admiralty, and by them adopted and presented in detail, in compliance of an order of this House; with the several articles requisite to be provided for specifically represented therein. During the 8 years of last war, that is, from the commencement of the naval operations, early in 1755, to 1762, inclusive, the ordinary of the navy amounted in the total to 1,890,000*l.* and the extraordinaries to 1,500,000*l.* being on both estimates 3,390,000*l.* (independent of navy ordnance); and of this sum, the charge of building, rebuilding, and repairs, together with the preserving the men of war in ordinary, with extra stores, came to about 1,760,000*l.* Let us now take the eight years immediately following the peace; when in a high naval appointment the fleet might necessarily from the waste and destruction of your very extensive naval operations during the war, become in the utmost want of being improved and re-established. Sir, in those eight years (from 1763 to 1770, inclusive) the ordinary estimate was 3,222,167*l.* and the extraordinary 1,916,498*l.* making together 5,138,665*l.* (over and above naval ordinance); and of which sum, the building, rebuilding, and repairing, and the preserving your ships out of commission, and extra stores, came to near 2,350,000*l.* In the last eight years (comprehending the grants of parliament for 1778) which takes in the whole of the earl of Sandwich's maritime administration, the ordinary of the navy has amounted to 3,232,693*l.* and the extraordinary to 3,239,379*l.* being in the whole 6,472,072*l.* of which, building, rebuilding, and repairs, preserving ships out of commission, and extra stores, come to about 3,500,000*l.* exclusive of ordnance, and sundry large sums, charged in the account of the annual navy-debt for foreign timber, freights, various naval stores, and exclusive of the considerable cost to the nation, for replenishing the stores, &c. consumed by fire in the dock-yard of Portsmouth. So that the expence to the public, on the ordinary and extraordinary estimates of the navy, has, within the eight years of lord Sandwich's wise and honest management of the marine-boards, more than doubled the 8 years of the last most glorious war; against the charges of which war to the British empire, so much has been repeatedly urged by the enemies to that illustrious statesman, and successful minister, the earl of Chatham.

Of these sums granted by parliament since January 1771, it appears evidently from the official papers, that 2,560,000*l.* allowed for the building, repairing, and storing particular ships of war, named and reported by the navy-board, and expedient to have been repaired, and sometimes said to be actually taken in hand, has not been applied to the uses approved of by this House, and for which uses alone it could be understood to be voted. "But," say the gentlemen on the opposite benches, "If the money was not applied to the specific articles for which it was granted, still it has been duly laid out for other national purposes." Why, then, has parliament been denied the proper vouchers for the real expenditure of so enormous a sum? Why, Sir, when I took the liberty, a few days since, to move for an account of the application of that sum, so unwarrantably diverted into other channels, was I defeated in my purpose, by that usual cloak to the peculation and infamy of ministers, the previous question?

If gentlemen will please to take the

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trouble of examining the nature and origin of these extraordinary estimates of the navy, they must be convinced that it has always been the intention of the Commons, and the indispensable obligation of government, to have the money given thereon expended towards the object for which ministers specifically required it. Annual allowances of this kind have been continued regularly for about 28 years. Previously to 1750, an article in the gross was usually inserted in the state of the navy-debt, for building, rebuilding, repairing ships and docks, &c. when the vigilant eye of parliament observing those demands unreasonably to accumulate, required that a satisfactory detail should be thenceforward produced of the several men of war necessary to be undertaken, and the work really meant to be done. Therefore an address was presented to the King for the proper officers to bring in an account of what might be requisite on these heads of building, repairs, &c. for the current year. The charges to this country on the several articles must of course be stated on a conjectural and unprecise valuation; for, till the work be completed, it were impossible to ascertain the exact expence of every ship built or repaired. But there is no power ever left by the legislature, nor intended to be left, for ministers at their option to change the application of the public money, to other and very different services, without expressly having recourse again to the approbation and consent of this House. So unconstitutional, so daring and dangerous a licence, setting both law and decency at defiance, and unknown to former governments, was reserved for the present despotic rulers over an abused and a too patient people. Early in the last century, we find that the refitting of 8 ships of war for the narrow seas cost 5,761*l.* 10*s.* and to completely repair 12 men of war with hulls, masts, and yards, came to but 8,000*l.* This appears by the extraordinary charge given into parliament for the years 1625, 1626, and 1627, wherein the names of the several ships are specified. The extraordinary of the navy 50 years ago (or articles usually comprised under that denomination) were from 40,000 to 60,000*l.* Till the beginning of the late war, the money annually expended for the extra services of the fleet rarely exceeded 100,000*l.* During the continuance of that war, it never went in any one year higher than 200,000*l.* and peace being concluded in 1763, when Mr. George Grenville was first commissioner of the Board of Admiralty, it was again brought within the compass of 100,000*l.*; after 1763, it from time to time very considerably increased; but during the present noble earl's administration (even previously to the breaking out of the American civil war) it fell not much short, *communibus annis*, of 400,000*l.* and is now augmented to so extravagant a height as 488,695*l.*

The charges in the state of the navy debt, on the long list of sundries heretofore accounted for under wear and tear, and properly within the disbursements of 4*l.* per month, are a heavy additional burthen on the subject, and render the profligate dissipation of the public revenue still more glaring and notorious. By an estimate delivered to parliament of the probable expence of the naval department for 1772, it is computed that the wages of seamen and marines, taking officers into the reckoning, will demand, one with another, 1*l.* 10*s.* per month; victualling 19*s.* per month; there must consequently remain 1*l.* 11*s.* per month for wear and tear, &c. which, on 40,000 men provided for last year, comes to 80,600*l.*; and on the 60,000 men for 1778 will not fall much short of 1,209,000*l.*; which ought to supply hospitals, rigging, stores, and all other contingencies, for the naval service, at the fullest demand, excepting ordnance, which is a distinct branch of business, and separately provided for. The navy debt is so modelled and manufactured, that I cannot but consider it as a mockery of all numerical investigation; for, upon consulting with very able accomptants, both commercial and professional, they agree but in one point, which is, that ministers have the particulars of the navy-debt thus contrived, for perplexity's sake, only to envelope in utter darkness the true appropriation of the immense sums they extort thereupon from the public. I shall just observe, in the gross, that the navy debt, at this day, amounts to as much as at the close of the last war, about three millions and a half. It increases two millions every year of the American war. When the noble lord in the blue ribbon came to the head of the Treasury, January 1770, the whole arrear due was but 1,070,000*l.*

But, Sir, having now shewn at what an enormous charge your navy has stood since 1771, when lord Sandwich came to preside at the Admiralty, it will be proper that I proceed to consider, whether your fleet has or has not been improved under his

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management. When a very amiable and renowned naval commander, (lord Hawke) came to the head of that department, in 1766, he found 61 ships of the line fit for service, of which 19 were in commission, and 42 in ordinary, and 14 were upon the stocks: that noble lord, during the four years of his naval administration, launched 14 ships of the line of battle, repaired 21, and left 15 upon the stocks. Lord Sandwich, in seven years (from January 1771, to December 1777) has built and rebuilt 21 of the line, and repaired 34. Fifteen are now building; but there are not near so many men of war in a condition to stand the seas, nor to perform service, in case of a foreign war, as when lord Hawke went out of office. The length of time that those men of war have been in employ, which were considered by lord Hawke to remain in a sound state, and the slender repairs they have since required, prove that the commissioners of the Navy-board were not mistaken in their various reports to the Admiralty respecting such ships; but that they were as serviceable and as perfect as lord Hawke understood them to be. It has been more than once suggested in another place, either through gross error, or a more reprehensible motive, that lord Sandwich had broken up 40 sail of the line of battle since he came into power. Of the 40 sail of the line alluded to, 28 were so far from being on admiral Hawke's list of ships in good condition, that they were not even on lord Egmont's list, whom admiral Hawke succeeded. They had long been sentenced to be either broken up, or cut down to a lower rate; seven out of the 40 were French or Spanish prizes, taken in the last war, and in a very doubtful situation: eight of the 40 were actually employed abroad or on home-duty, when lord Hawke resigned, and the remaining ship, the Africa, was shamefully sold for 800*l.* three years ago, though she might for 5,000*l.* have been made in the King's yard one of the best ships of 64 guns of the whole royal navy, and far preferable to many of her class, which have been repaired by the noble earl, at the charge of above 20,000*l.* each.

The present board has possessed peculiar advantages in carrying on that line of business which respects the building and repairing of capital ships of war. They have had the use of the large bason at Portsmouth, and all the docks have been open; whereas that bason, and the two largest docks, were shut nearly the whole of lord Hawke's time. It were to be wished that lord Sandwich had followed the example of his predecessor, in repairing such men of war only as would answer the labour and expence. We have now a nominal list of above 100 sail of the line, of which fifty are in commission. And what is the state of these men of war? The preamble to the report from the Admiralty relative to the store of timber in hand and contracted for sets forth, that his Majesty's ships in general launched in the course of the last war, having been constructed with extraordinary dispatch, and with green wood, a very rapid decay had been the consequence; adding, that the ships built immediately following the war, were but little better than the others: and, indeed, this is demonstrable from the repeated repairs those ships have already had, that were launched from the stocks after the year 1763, and which, though some of them have never been ventured out to sea, have been more than once repaired, at a very large expence. Now, Sir, of more than 100 sail of the line, how many were built in the last war, and have therefore a positive sentence of condemnation thus officially passed upon them? No less than one half: and of the remainder, several are reported, in your last extraordinary estimate, to want material repair. But it may be affirmed, that of those ships constructed last war, a great many have undergone a thorough amendment, and are now in good order. Sir, I am sorry to find, that so many as 18 of the line have been worked upon and patched with the very worst kind of wood that can be used for such purposes, namely, oak timber from Stetin. The foreign wood in general imported into your dock-yards (as well that of Rostock, and the several other ports of the Baltic, as from Bremen on the river Wesel) is of a bad quality, and has but little spine or rosin. The worst timber of all is that from Stetin; as it has every bad quality attending the rest, and is, besides, singularly spungy and porous; and though it has been often remonstrated against in the strongest terms, by some of the most experienced and honest shipbuilders in the royal yards; yet it is still a favourite wood with the reigning Admiralty Board, and the contractors for supplying it are much cherished, to the ruin of your fleet, and endangering the health of your seamen, who are frequently set afloat in their hammocks, from the water soaking in, over-head, through the planks. The

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Mars was repaired with this timber only two years and a half ago, and the nation was charged for that repair above 26,000*l.*; as much as she would have cost building new from the stocks. Sir, the Mars is found to be totally unfit for future service; and therefore entirely struck off from the list of your fleet. The Yarmouth and the Prince of Wales were also lately repaired with Stetin timber, so were many others of good exterior appearance, but which can scarce be said to ride at anchor in safety. An hon. friend of mine near me is, I find, lately appointed to a 74 gun ship repaired with Stetin timber (captain Walsingham of the Thunderer) and built in the late war; I heartily wish him success with his command; but would not have him trust entirely to a report from those who commissioned her, of her fitness for the seas. On the account before us of the Jamaica squadron, he will meet with the Bute, reported by the admiral there to be fit for sea in November last; and within a month after she was found in so rotten a state on her passage home, that it was impossible, even with fair weather, to keep her above the waves: so she was scuttled and sunk: which, when the workmen of the commanding officer's ship (of the convoy) carried their tools aboard to effect, one of the tars saved them the trouble, by clenching his fist, and driving it, without much pain to his knuckles, clear through her hull. This Bute was, it seems, an old East India trader, totally unfit for the Company's service; but held at the Admiralty-board sufficiently stout and healthy for a public ship of war; and therefore contracted for at a high price. There is, I believe, another ship of a similar stamp, called the Andromeda, now going upon government employ; and I should be sorry to insure her existence for a twelvemonth, at 50 per cent.

Sir, there has been a most criminal neglect in the navy department, relative to the seasoning and preserving ship-timber. I can prove, that a very excellent plan for this object of the first national importance, presented by a gentleman of very high description for his experience and industry, has not even been favoured with a perusal; while futile projects are, through laziness or partiality, very readily received and adopted. The real fact is, that in this climate your timber fit for ship-building, let it lay in store ever so long, and though in the most perfect natural state, cannot be depended on for durability, without expedients of art. We have lost or neglected the best method of seasoning timbers, so as to render them durable in the frames of ships. Our capital ships of war heretofore lasted near half a century. The Royal William, a first-rate, cut down to an 84, was, a few years ago, the favourite ship on service of the whole navy, either for working on the seas, or to encounter an enemy; she was built in 1719: and I could name many others, within my observation, whose frames remained sound and fit for service 35 or 40 years, though in continual employ. Neither are the ships of war belonging to other maritime nations so bad, in these times, as those of the British navy. The Spanish two-deckers, of 80 and 74 guns, are the strongest and most durable in the world; not only those built in the island of Cuba, of cedar-wood and mahogany, but even such as have been constructed in the European ports of Spain, by English builders, and upon the same models with our own. We have few men of war on our list that have proved so lasting as the Centaur, Bienfaisant, and the ships of war in general that were taken from the French 20 years ago; they have stood us but in little for repairs, compared with others of the same class built in England; particularly, if we take into consideration, that they have been constantly kept in commission. The number and state of lord Howe's fleet in America has been greatly misunderstood by the House; of the 82 sail under his command in November last, two are hospital-ships, upwards of 30 are sloops of war, armed-merchantmen, and small-craft, and 11 of the rest carry but 20 guns. His frigates have many of them not been cleaned these three years, and one-third of the whole number were cleaned just two years ago; nine or ten are declared to be rotten or leaky; and almost every ship or vessel is reported, by his lordship's return, to want a supply of gunner's stores. In Great Britain, and for home-service, you have no more than 11 frigates in commission, and not six in tolerable condition, that remain to be equipped on an emergency.

Let us now consider the supposed danger of an invasion from France, and the comparative force at sea of both nations, and how far we may be better or worse prepared to repel an attack, than on former emergencies. At the commencement of naval hostilities, in 1755, we seized, before a declaration of war, their very

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best sailors, to the amount of some thousands. At the beginning of the next year, on the eve of declaring war, we had near 70 sail of the line of battle fit for service, of which 55 were actually in commission, from 60 guns upwards; and they mustered 25,000 men. The frigates were then three times the number of our present strength, besides 38 ships of 50 guns: and we were so apprehensive of an invasion, and so dreaded its consequences, that an embargo was laid on the outward-bound trade, and a proclamation issued, requiring the inhabitants all along the British coasts, on the first appearance or alarm of an hostile fleet, to drive their cattle to the distance of at least 20 miles from the shore; yet we had a land-army, for our internal safe-guard, of near 30,000 effective national troops, besides 24,000 Hanoverian and Hessian auxiliaries; and our resources for men (now so exhausted from emigrations for adventure, or by this fatal American contest) were entire, and abundant. The French navy, at that period, amounted to 68 men of war of the line of battle, of which 46 were in commission, carrying 32,000 men. Early in 1759 we were again terrified with threats of an invasion from the coast of Britanny, though we had then the most formidable fleet of men of war, that any country had been able to fit out since the creation of the globe. Our line of battle ships in commission amounted to 95, with above 50,000 seamen and marines aboard; and we had more than 100 frigates, or ships of 20 guns and upwards, completely manned. The fleets of France, before the engagement of the Toulon squadron off Cape Lagos, under M. De la Clue, against admiral Boscawen, consisted of 66 sail of the line, actually on service, manned with 46,500 seamen and soldiers; their frigates, comparatively with ours, were of very inconsiderable force. Yet, gentlemen recollect, that even after the decisive defeat of the French squadrons in all parts of the world, during that campaign; sir Edward Hawke's defeat of M. Conflans, and sir George Pocock's success against M. D'Aché in the East Indies, by which victories the naval power of France was almost annihilated; even at that time did a pitiful armament of three small vessels, under the command of a corsair, and with a handful of troops aboard, land, without resistance, in Ireland, spreading a serious panic throughout that country, and occasioning the greatest uneasiness and confusion here. France has at this crisis 57 ships of the line, of which, 40, from 60 guns to 116, may be ready for sea, and completely manned with able mariners, by means of their register, in three weeks. Spain has a list of 61 of the line in Europe, and four more nearly built, in the port of the Havannah. They have 35 men of war, of very capital force, that can (I am confidently assured) go upon service immediately. I have already shewn to the committee the infirmity of our ships of war, neither have we any extensive means, at this conjuncture, of completing their establishment. I admit that a certain number of sea-faring persons now skulk within land, who might perhaps come forth, in case of a rupture with the Houses of Bourbon, though they keep aloof from the present unnatural quarrel; but these recruits could not exceed a very few thousands. You have lately drained the nation of that part of its inhabitancy to which you might have had an occasional recourse for this end. Your supplies are exceedingly reduced; and we have voted for the current year more seamen than this country has ever yet been able to furnish for war, independent of her American colonies. You have voted above 48,200, besides marines. The most we could ever get, exclusive of marine soldiers, in the last, or in any former wars, was 52,000; and of these, full 10,000 were natives of North America. Besides, till 1760, your number of European seamen were but 30,000; though after the unexampled triumph of the British flag over every part of the ocean, foreigners from almost every power were inclined to enter into our pay. At present there is neither the same credit stamped on your arms to induce such exotic supplies, nor have they equal lure of prosperous and profitable cruizes. Let those gentlemen who hug themselves with a comfortable persuasion of our entire security from invaders, because of our insular situation, and vigilance or superior dexterity of our fleet, recollect how many invasions of these islands stand recorded in history. There have been, since the Norman conquest, 24 invasions of Great Britain or Ireland, nine of which have been made good, without any molestation on the seas, and seven have proved successful. Between 1685 and 1689, four invasions were effectuated. In May, 1685, the duke of Monmouth sailed from the Texel with three ships, and landed with-

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out resistance, after beating about in bad weather 19 days, in the English Channel, which then swarmed with cruisers, dispatched to intercept his passage. In 1688, the Dutch fleet, with the prince of Orange aboard, afterwards king William the 3rd, and which consisted of 54 men of war (besides transports and other vessels, about 500) sailed from Helvoet, and stretched for the Channel. Lord Dartmouth at that time lay with the English squadron, of 61 ships of the line, at anchor in the Downs; the weather became thick and hazy, as is usual, with the wind to the southward of the east. The Dutch men of war were full seven hours before they could all stretch to the westward of the English, and extended several miles in length; yet the prince contrived to reach Torbay, and land his whole army unopposed; though lord Dartmouth got under way with the utmost expedition possible, and crowded sail to encounter the enemy. I am aware that some writers of that time have hinted strong suspicions against the loyalty and zeal of the British commanders; but the fact is, they used their best endeavours, and once got within sight of the Dutch rear; but the wind shifting suddenly to the westward, and coming on to blow fresh, just as the Dutch men of war had reached Torbay (or as some authors allege, overshot their destination in the night) they were enabled to fetch the landing place, while the ships in chace were forced, by the same gale, so far back as the Isle of Wight. The year after the abdication, a squadron of 14 French men of war landed king James and several of his chief military officers at Kinsale, without meeting with the English squadron dispatched to prevent their debarkation: and not long after, a second French fleet met with the same facility of landing, and put on shore a numerous foreign army, for enabling king James to dispute the possession of that kingdom with his son-in-law. But, Sir, this alarm of an invasion, and the present debilitated state of Great Britain and Ireland, will render it absolutely necessary that we reserve two-thirds of our present force for the heart of the realm. The noble lord (North) speaks in a high tone, and boasts of the "vigour of our navy:" being *particeps criminis*, I suspect, with the first lord of the Admiralty, rather through mischievous policy than short-sightedness. Another hon. member (the Lord Advocate of Scotland) trusts much to the exertion of our superior naval armaments, "with energy." How, Sir, can you spare one ship of the line from the defence of this country, in case of a French and Spanish war? Suppose you had 48 of the line manned to their full war-complement; this strength would scarcely suffice to cover your harbours and coasts; you would have no cruisers, no western-squadron. What is to become of your West India islands, your Asiatic settlements, and the important fortresses of Gibraltar and Mahon? The foreign stations, for a defensive war only against France, will require nearly 50 sail of the line; and against the two Houses of Bourbon united, you cannot do with fewer on these services than 75 or 80. Your whole present extent of the line of battle would be little better than a Mediterranean command, with proper reliefs. When have you seen so few as 20 sail of the line on that service, against the united power of Versailles and Madrid? In the reign of queen Anne sir George Rooke and sir Cloudesly Shovel commanded a fleet of more than 50 sail of the line in that sea; and the fleet of the enemy was full as numerous; they had 17 three-deckers. In the reign of George the 1st, sir George Byng had upwards of 20 sail of the line of battle in the Messina fight; and his force was represented as inadequate to that station. In the late king's reign the squadron under the admirals Matthews and Lestock consisted of above 40 men of war of the line; and the combined fleets of France and Spain proved fully their match. I shall perhaps be told, that in 1762, when the French and Spaniards were united against Great Britain, we had few more than 20 sail of the line of battle in the Mediterranean, off Cadiz; and notwithstanding which, we were too strong for the enemy: but let gentlemen recollect, that the *coup de grace* was given to the naval power of France the preceding summer; and the Spanish navy was the only one we had to contend with, and near half their men of war of superior rates were on the continent of Spanish America, or at Cuba. A very distinguished and respectable sea-officer, in another place (earl of Bristol) having represented our ships of 50 guns as men of war of the line, was most presumptuously questioned on the propriety of such idea, by the noble lord who presides as first commissioner for navy affairs; perhaps not through ignorance, but because he wished to avoid taking a comparative view of the number

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of 50 gun ships at this time, in our navy, to what we had in former wars. True it is, that our 50 gun ships, at present, in and out of commission, do not exceed 14 or 15; there were, till within these few years last past, near thrice that number. But, Sir, there can be no doubt of the propriety of calling those ships men of war of the line. They carry the same weight of metal as 60 gun ships; and in action lead the van or close the rear; and of course are brought into the line of action, unless where the enemy is inferior in number; in which case they generally keep at a distance, to replace disabled vessels in the line, if occasion should require it; otherwise, to protect the unarmed part of your fleet, to chace ships of the enemy, to repeat signals, and for other contingent duties. In the last war, and the war preceding the last, very eminent services were performed by your ships of 50 guns, the Hampshire, Portland, Antelope, &c. under Baird, Stephens, and other gallant commanders. In the Toulon fight, the Guernsey, of 50 guns, was opposed in the British squadron to the Poder, a French man of war of 64 guns, and actually forced her out of the line. In 1755, when admiral Boscawen detached five of his squadron to block up four sail of French men of war of the line of battle, three of those five were ships of 50 guns. In short, Sir, the authority of the noble peer (lord Bristol) one of the best accredited sea-officers in the world, might have been deemed of sufficient weight to decide whether they are to be accounted among your line of battle or frigates. Sure I am, that in case of a foreign war, we shall have need to employ them as ships of the line; and there are some ships of that class now on the American station, which, from the advantage they possess of good British crews, and being thoroughly seasoned to the element, and to naval duty, I should not be in much pain for, were a combat to happen with a French man of war of 60 guns; although I do not think the ships of our fleet in general so conditioned, with their reduced establishments, as to fight at odds against those of France. Sir, it is but too evident that your ships of war fit for service are fewer in number, and those less to be depended on for duration, than ever was known; that twice as much money has been expended within the last eight years, for building, repairing, and preserving your ships, as was applied to these objects during the whole course of the last glorious war; and that the present noble president at the Admiralty-board, after expending a sum of money thereon, which might have constructed 100 sail of the line, and as many frigates, new from the stocks, has your navy at this day on not near so formidable a footing, as when he came to the board in January 1771. As to seamen and marines, though we are now in the month of March, you want upwards of 12,000 to complete the numbers voted for the service of the current year; for the last weekly accounts differ but immaterially from those made up to November last, now before the committee; neither will you easily find the means of supplying such deficiency, though you have raised your entrance-money to 12*l.* 2*s.* for each volunteer (including the public encouragements beyond the 5*l.* 5*s.* from the crown) to the great prejudice of commerce, and ruin of the merchants; and the men, thus dearly bought, are not in general of a mould, or professional description, to be compared with those recruited on similar emergencies heretofore. Men are not to be had for navy nor army; though for the latter you have lowered the standard almost to dwarf stature, and doubled the bounties. If the Bill for encouraging seamen to enter voluntarily, which in the last session, I proposed to the House, had met with a favourable reception, many thousands of your best mariners, who are now gone over to Holland, or serving in the fleets of your revolted subjects, might have been within reach at this day. At a future season, I shall revive my earnest endeavours to augment the pay of your seamen in times of peace, to provide for them under the infirmities of age, and limit the time of their servitude; till you abolish the horrid unconstitutional practice of impressing, and hold out these lures, you will never find the profession of a seaman much followed by the lower orders of the people; and I fully demonstrated, in the course of a former debate, that the present enormous expences to the nation in providing seamen might in great measure be saved. I look, Sir, upon those ministerial gentlemen who voted last year against bringing in a Bill for such salutary ends, to be answerable for no fewer than 160 innocent lives at least, which have fallen a sacrifice to the press-warrants. Sir, your fleet can never cope with the confederate naval strength of France, Spain, and America: I own, high as I

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esteem your naval character, I should dread the contest. The best of the northern seamen of the American continent are yet in reserve; they made a considerable part of Gates's land army at Saratoga, being wisely prevented, by the general convention of New England, from entering into naval employ, while their service could be of far greater utility on shore, and they ran less risk of falling into the hands of the British invaders. But, Sir, should the thirteen united provinces of America become independent, I could in reason entertain no very direful apprehensions therefrom: 1,300 miles of coast will not be found equal to the extent of the coasts of Great Britain and Ireland. In these our islands are ports for shipping more in number, and full as commodious; our population is at present in the proportion of near four to one; and our insular state is better adapted to promote external commerce, and internal mercantile communications, than is the case with that vast expanded continent of America; our climate is happier; our position, as to the three other quarters of the globe, far more advantageous; the southern coast of America during one half of the year being unwholesome, and incommoded by long calms, or irregular insidious currents; the northern provinces subject to thick, tempestuous weather, and scarcely accessible during the winter season. I believe, we have in Great Britain and Ireland more productive territory, than in all the thirteen provinces put together; I mean, within the limits of their great chain of lakes. Cataracts immense, torrented rivers, high mountains, and impervious forests, are noble and magnificent features for painting or poetry; but in practical societies, and for the ends of agriculture, manufactures, or commerce, they cannot surely be preferred to the humbler streams of England; to our fertile plains, and more practicable soil. While you compel the natives of the thirteen provinces to become, to a man, soldiers or seamen, in their own defence, they may be formidable indeed to your West India islands, or on remoter enterprizes; but if once left to settle in peace, their interest, their sober wisdom and gravity, above all, their natural love of liberty, and jealousy of military power, will dictate to them to lay aside the sword and firelock, and take up the shuttle and the ploughshare; they will turn their thoughts to husbandry, to manufactures, and to establish a pacific civil government, on the basis of industry and commercial policy. That they may rival us in several branches of trade I do not deny; but such rivalry will serve, I trust, as a spur to the genius and ingenuity of the natives of this country, and stimulate us to make use of those superior advantages with which we are blessed by nature. Improve your Oriental and your African trades; the latter may, with proper management, be made absolutely to govern the commerce of America at European markets. Africa produces not only the commodity, but likewise the labourer to reap and to work it; the indigo, the rice of Carolina, the tobacco of Virginia, cannot be produced without the African negroes. Those who speculate upon the imperial greatness of the Americans at some future day, perhaps go far beyond the bounds of human probability. Who can say what intestine dissentions, what epidemical diseases, what bloody wars, or other ill-fated events, to crush such ambitious and glorious prospects, may or may not be found in the future history of that continent, though the first page of it is now so promising, so auspicious? Perhaps, Sir, when just approaching towards the zenith of their glory and prosperity, Providence may (as has been, in our days, the case with the mother-country) for the completest of all curses in the nature of sublunary things, bestow such a set of ministers to rule over them, as those who have, under George the 3rd, precipitated this nation from the highest pinnacle of fame and happiness, to the lowest abyss of wretchedness and disgrace. I hope, Sir, we shall, in good time, before the well-affected parts of your American colonies embrace the confederacy of the thirteen, now in a fair road of independence; I say, I hope we shall have wisdom enough to preserve them from the like contagion and revolt. Canada, Newfoundland, the gates of the river St. Laurence, together with Nova Scotia, and the two Floridas, are as yet appendages of the British empire. It is much to be apprehended, that we may see hostile banners braving the coasts of England and Scotland next summer, with more stripes than thirteen. I heartily second the Resolutions put to the committee; as nothing can be clearer than the inadequate state of your naval power to the present crisis of public affairs, excepting the mismanagement of those ministers whom our deluded sovereign has fatally chosen to entrust with this main bulwark of the empire.

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Mr. *Hippisley Coxe* said, he had lately left France, and was perfectly convinced a war would very soon break out between Great Britain and that country; that France was arming with the utmost alertness; that the troops were marching in large bodies to the sea-ports; and that every thing wore the appearance of military preparation.

Lord *North* denied this; and declared that the court of Versailles had checked her ardour, and had ordered the troops to march back from the sea-ports to the interior provinces.

Admiral *Keppel* took occasion to say, that if he had the honour to be employed in the service of his country, he rather wished to have a small fleet well fitted and completely manned, than a large number of ships badly equipped.

The previous question was put, and carried without a division.

March 12. Mr. Alderman *Wilkes* made his annual motion, respecting the Middlesex Election. The question was called for, when the numbers were, Ayes 36: Noes 88.

Debate on Mr. James Luttrell's Motion for an Instruction to the American Commissioners respecting the Removal of obnoxious Ministers, &c.] Mr. *James Luttrell.* The subject which I think it my duty to enter upon, is certainly of importance beyond my abilities to do justice to; but I beg leave to offer my sentiments to this House as a proof, that not only the first and most distinguished of its members, but even down to myself, are equally willing to exert themselves to the best of their abilities, hoping to apply effectual remedies to those evils, which have brought on this nation a crisis of such great danger. That it would always have been more honourable and wise for Great Britain to have offered proper terms of peace to the colonies, than to have held out unconditional submission, I believe every person will admit, who is convinced by this war, that no names, however high sounding, whether the divine institution of prerogative, supremacy of parliament, or dignity of the nation, can sanctify to a free people acts of injustice, tyranny, and oppression.

With respect to the conciliatory plan, that it would have been expedient to have offered such a plan some months ago, nobody can reasonably deny: but how far it is in itself adequate to obtain peace under the circumstances of the present times, remains to be proved. I sincerely wish it success, and convinced of the ruinous expence and fatal consequences attending the war, I was happy to see any plan brought into parliament, which might tend to declare a disposition towards peace on the part of Great Britain: but I cannot give credit to ministers who seem resolved to make the good which parliament and the nation might agree to, totally impracticable; ministers who, conscious that they are an obstacle to terms, however adequate, proving acceptable in America, are capable of setting higher value on the emoluments of their offices, and gratification of private ambition, than on the peace and prosperity of the empire. For, Sir, we may debate and vote as we please, Americans, not us, are to decide the fate of the conciliatory plan; and undoubtedly they will not only take into their consideration the fairness or artfulness of your proposals for peace, but the men they are to trust to for performance and future consistency of conduct; and let these ministers be ever so much flattered by the extraordinary support they have met with here, they undoubtedly are the men who persecuted and insulted America; therefore, Sir, by what madness can Americans be supposed to conceive that men so rewarded and in favour for having broke through their charters, and trampled on their just rights, will never dare in future to break the faith of any treaty, or by undue influence here attempt to violate the most sacred pledge of legislature? May not America receive every proposal, whilst such men are kept in power, as an insult? May not America conceive that now a blow is meditated at liberty through state craft, which force of arms could not effect? Or how can such a wavering ministry be depended on? who appearing attached to no fixed principles of public justice, can be bound by no system of policy or maxims of government, changing the object of the war with every western breeze, and now assuming the borrowed plumage of the peaceful dove, flattering themselves America will not discern the cruel vultures that have preyed on her. Such ministers may deceive themselves, but to all the world must appear as inadequate to peace, as they have proved themselves incompetent to war.

We can only hope, Sir, that America will not think it necessary to guard against an inferior and secondary power, a certain

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description of men who appear to act under the responsible ministers, but who have held out this olive branch in a most suspicious and equivocal manner. I mean that sort of Janus politician, who has one face towards America, another towards his Majesty; one countenance expressing peace, harmony and unanimity, and another disfigured with the ugly passions of false pride, hatred and revenge; one voice to vote in favour of persecuted America, another to talk vehemently of insulted, degraded, powerful Great Britain. Such undecisive support can do service to no country, and I trust they will prove the last, the least in power; for sooner shall the two faces of Janus meet, than America and Britons through their mediation.

I regret, Sir, that parliament was not sooner allowed to enquire into the state of the nation; for I think that inquiry ought to have been finished, as a solid foundation for a treaty of peace, as I trust the object of that inquiry is to redress grievances, by removing all obstacles, whether men or measures, in order to prevent a perseverance in inevitable ruin. When ministers are found guilty, surely to correct vice by cherishing it is a new experiment; and perhaps a ministry, who by their present conduct bear fatal testimony of their past ruinous and bloody errors, may be thought more in character as patrons of the savages, than examples of British integrity, humanity and virtue, worthy of American confidence and esteem. Some, indeed, pretend, that it is inconsistent with our duty to shew the weak and perilous situation of this country. Good God, Sir, was there ever an inquiry into the state of the nation, because ministers were virtuous and Great Britain in prosperity? Amidst all the glories of the last war, who would have moved an inquiry into the state of the nation? It can only be called for when great calamity requires immediate redress. Such is now the situation of public affairs: and it is, therefore, our duty to open the eyes of our sovereign to misfortunes, in which he is not less a sufferer than his people, and to convince him that those ministers who lost his dominions, by endeavouring to make the prerogative of the crown incompatible with the happiness of the subject, have proved themselves equally an enemy to both.

If the treaty with France has taken place, I fear it is not a question that thirteen provinces, and the hearts of a brave and powerful people, are lost to his Majesty; it is rather what men and what measures, can save the rest of America? But supposing the case not totally desperate; if ruin or separation is not unavoidable, yet surely it is at least a crisis when the measures to prevent it ought to be sent out with such an unquestionable appearance of sincerity, that it may be received as a proof of his Majesty's affection and love of justice towards his subjects, rather than as an assent extorted through fear and necessity; extorted from ministers openly obstinate and cruel, till disappointed in their arbitrary views abroad and become jealous of their rivals at home. Perhaps the noble lord in the blue ribbon expects to be an exception, because he formerly proposed a conciliatory plan. As to the noble lord's heart, I believe it has never been consulted in the cabinet; and as to his conciliatory plan, it appeared to the Americans indeed more plausible than unconditional submission, but not more expressive of peaceful intentions; for the theory of parliament's desisting from taxation as long as the American tribute should amount to as much money as a vote of this House should require, was a mockery of freedom, and the practice of exacting such a tribute by force of arms, tyranny and oppression.

We know that ministers must govern the nation; the duty of parliament is to see they do it honestly and wisely, or to endeavour to remove them from his Majesty's councils. It is likewise the duty of parliament to support and look up to men who have more honourable pretensions to the confidence and esteem of the sovereign and the people: in such men it is meritorious to seek places of trust; for the crime cannot consist in holding a public office; the vice is in employing the power to bad purposes. Lord Chatham was a truer patriot for having availed himself of that power which enabled him by his wisdom and virtue to raise his country to the highest pitch of glory and prosperity, than if he had indolently contented himself with the duty of a private member; and it is reasonable to suppose, that his Majesty may find able, vigilant, and experienced statesmen, capable of governing with infinite more steadiness and judgment, more for his Majesty's honour and peace of mind, upon sounder principles of public justice, more likely to be confided in by Great Britain and by America, than those ministers who have lost one half the empire and nearly ruined

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the other half. It was long, too long, thrown out to the public, that those who contended in parliament for equal liberty and equal happiness in every part of the British empire, were an American faction: whilst peace was attainable on such terms, ministers were accustomed to allow that America could only depend on such a faction for performance; a faction, Sir, who still must have the credit of not being apt to give up their opinions of public justice, nor affect to change their principles; a faction, who warned these ministers over and over again, not to delay a treaty till such time as it should be necessary to exchange unconditional submission in America for unconditional submission in Great Britain; and most of whom I believe still look with astonishment at persons who seem to persevere in persuading Majesty, that nothing is inglorious for a king to be reduced to consent to, except to change his ministers.

By every intelligence from America, and by the nature of man, I think it appears that America is not blind to past injuries. I think it is evident, that these ministers are odious, mistrusted, and abhorred there; and from that I infer, that the Americans will refuse to enter into any negotiation with the commissioners, if such ministers are to remain in power. Then, what will be the use of the conciliatory plan, even suppose it to be ever so perfect? Sir, is it not reasonable to believe the Americans will refuse to put any future confidence in men who have already betrayed them, murdered them with savage cruelty, abused them with the tongue of hatred, and appear to be rewarded instead of punished for having so done? May not the confidence with which such ministers trample on the subjects, cause them to go farther than mistrust of the minister, and materially affect his Majesty's honour? Must we force the Americans to give us more fatal proofs that they are neither cowards nor fools? Will they not justly attribute to a want of spirit in this country, not a want of spirit in that country, any idea of putting future confidence in such a ministry? And the delay of explanations and altercations would only tend to cement their connection with the House of Bourbon, and tempt all America to be unanimous for independency. In order, Sir, to counteract such misfortunes as much as is now possible, I shall move the following Address, trusting that as ministers are grown so very liberal in giving up the most essential claims of this country upon America, that they will not be indecently tenacious of objects which are certainly of infinitely less importance, though not less necessary to be relinquished, if parliament hope to keep or to acquire some friends in America, or conceive that for less than independence any part of the 13 provinces will now submit to make peace with Great Britain: "That an humble Address be presented to his Majesty, to beseech his Majesty that he will be graciously pleased to instruct the Commissioners, whom his Majesty may name for the purposes of carrying into execution the Act, entitled, 'An 'Act to enable his Majesty to appoint 'Commissioners, with sufficient powers to 'treat, consult, and agree upon, the means 'of quieting the Disorders now subsisting 'in certain colonies, plantations, and pro-'vinces of North America,' that in case the said commissioners shall find that the continuance in office of any public minister, or ministers of the crown of Great Britain, shall be found to impress such jealousies or mistrust in one or more of the revolted colonies, as may tend materially to obstruct the happy work of peace and sincere conciliation between Great Britain and her colonies, that the commissioners may be enabled to promise, in his Majesty's name, the earliest removal of such minister or ministers from his Majesty's councils."

Mr. *J. Johnstone* seconded the motion.

Lord *Beauchamp* objected to the mode of proceeding; asserting that the only parliamentary one was, to address his Majesty to dismiss those ministers who were odious to the people, or suspected of maladministration. But there was no occasion for such address, as he believed the present ministers were highly approved by the whole people of Great Britain and Ireland.

Mr. *Rigby* said, that he liked to hear gentlemen speak out, as they now did; crying out against men, and not measures: that if they had not told him, they looked more to men than measures, he should nevertheless have been sure of it: that the Americans respected no one set of men more than another, and had as soon enter into treaty with the present ministers, as with those who passed the Declaratory Act.

Mr. *Fox* observed, that he thought, that since the time of old Cato, the doctrine of "*peccata omnia sunt paria*" had been exploded: that he should not have thought the hon. gentleman had so particularly been

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given to the maxims of that order, as implicitly to adopt them; for that he himself saw great difference between the grievances, if there were any in the Declaratory Act, and those which had been the cause of the present war.

Sir *Cecil Wray*, though he wished the ministry should be removed, and even removed out of the world, for the mischiefs they had brought on this country, if it could be done legally and constitutionally, yet opposed this motion as unconstitutional; if carried, it would not effect the purposes intended, of promoting a conciliation with the colonies. That to remove a minister, it must either be on the petition of the people who conceived themselves ill governed or oppressed, or on the address of the Houses of Parliament; but to give a power to a part of the empire to do this against the opinion of the rest (for that the ministry had acted in conformance to the opinion of the people he inferred, from the impossibility they would have had of prosecuting their plans if contrary to it) would be perfectly unprecedented, and might be a most dangerous example to futurity; as on every disgust in our own dominions, every ambassador to foreign parts might negociate away the undoubted constitutional rights of the executive power.

Nor did he think it would be attended with any good consequence, in respect to the treaty now to be negociated with the colonies, if they entered into a treaty; what they would expect would be good terms, and good security for the performance of them. That he apprehended America would demand better terms for herself when treating with her most avowed enemies, than she might from those whose general sentiments had been in favour of her proceedings; but that a removal, perhaps temporary, of any minister, could give no security for the performance of them. Had the motion gone not only to the removal, but to the utter exclusion, of all those who had poured poison into the ears of Majesty, with an appointment of men, and adoption in the King of different principles, some security might be desired from her; but that the security of the terms to America must be from the removal of the British armies, and the appointment of her own governors, and to this he apprehended we must agree. He did not apprehend we had given up any thing, in the laws lately passed, which of right belonged to us; that we never had any right to tax, or regulate the charters of America, without their consent; but that the motion tended to give up the honour of this nation, in its essential points, without any possible advantages to ourselves.

Mr. *Aubrey* said, that he believed the last hon. gentleman who spoke, might find commissioners having power of dismissing ministers, and that of negociating for the repeal of all acts whatsoever, in the same page of the Journals; that notwithstanding what a right hon. gentleman had said, of all sets of men being alike to the Americans, he could assert from authority, that the Congress had repeatedly declared, that they never would treat with our present set of ministers, which was a strong implication, at least, that they would treat with another; that whether, indeed, they did this in imitation only of the magnanimous resolutions of our ministers that they would never treat with the Congress, he could not tell; that however, as the *delenda est Carthago* had been a favourite maxim on the Treasury-bench, when England had the superiority, he thought it might be reasonably expected, that the cry of the Americans would, in return, be at least the dismission of our ministers; that policy directed us to take every step to regain the affections of the Americans, but that it could not be hoped for, while our affairs were entrusted to those hands by which their country had been ravaged, and their friends and relations put to the sword. What reliance would the Americans put in the most pacific and most amicable declarations, when uttered by those mouths who had hitherto never talked of any thing less than checking the growth of the colonies, which he took to be only a milder and modester expression for what they afterwards, in fact, attempted, the starving and extirpating them. That it was with the concurrence of this ministry that lord Hillsborough pledged the faith of parliament, as well as the honour of his sovereign, that no alteration should be made in the system of taxation: a promise, which, as soon as it had served the purpose of allaying the discontents of America, they no longer regarded, or thought of, when interest prompted them to break it. And that interest was so trivial that it demonstrated they either thought very lightly of their honour, or else meant to introduce by degrees an important and an oppressive taxation: the very reverse of what they had so solemnly promised through the

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medium of lord Hillsborough. That he was convinced, that, unless it were imagined, that the sentiments of a whole people could change as suddenly as the conduct of the noble lord (North) had done, the Americans would never agree to any negociation, while the present ministers remained in power.

The House divided:

Tellers.

YEAS	Mr. James Luttrell - - Mr. Fielde - - - -	55
NOES	Lord Beauchamp - - - Sir Herbert Mackworth -	150

So it passed in the negative.

Debate in the Lords on the Enquiry into the Conduct of the Transport Service.] March 12. The House went into a Committee on the State of the Nation.

The Earl of *Effingham* opened the nature of the business he meant that day to agitate, namely, to shew that there had been a most scandalous want of œconomy in one department of the management of the public finances. The whole of the sum expended under the head which he was about to consider, the noble earl stated to be only 600,000*l.* which, as their lordships had been of late used to talk of millions as trifles, would probably to some of them appear so very a trifle, as scarcely to be worth their notice. He begged leave, however, to remark, that if a large part of so small a sum as 600,000*l.* was disposed of extravagantly, as he doubted not he should make appear, he was fully justified in argument, and if not otherwise satisfactorily cleared up, to conclude in fact, that the waste of the public money, upon the gross sum expended, must be enormous; and therefore every point which served to elucidate a matter of so much importance, was well deserving their lordships' attention. He proceeded to observe, that during the present fatal war, the Treasury, contrary to precedent, had assumed to itself a power, which he had ever understood to belong to the Navy board; the power of taking up ships for the Transport Service. As there appeared from the papers on the table, to be a considerable difference in the amount of the sums expended by the Navy board, and by the Treasury, upon this kind of service, he meant to call witnesses to prove the custom of taking up ships for transports by the Navy office, and the price that office paid for freight; others to prove, that the Treasury had, in the years 1775, 6, and 7, also taken up ships; and others to shew the price of the freight paid by the Treasury, with such other matters as went to ascertain the accounts on the table; by which means their lordships would be enabled to judge which method was the most œconomical.

Here his lordship took an opportunity to complain of the very slovenly manner the accounts were drawn up in; whether through negligence or design he would not pretend to determine; though, he believed he might be well justified in saying, that they bore the strongest appearance of being rendered loose, inaccurate, intricate, or confused, in order to defeat the ends of the enquiry, which was to procure certain premises, whence conclusions might be unquestionably drawn to the satisfaction of every side of the House. This was evident throughout the whole; and had, indeed, been so successfully effected, that it would baffle the industry of almost any man, at least, one of his size of abilities, within the time limited, to arrange, connect, and fully digest the papers from the state they appeared in when laid on the table. He would mention a single instance; which was, that the clerks so far forgot their duty, or purposely with-held the performance of it, that they omitted to cast up a single account, or state a single total. This omission he was under the necessity of supplying, by getting a Mr. Heard, who would be called to authenticate the totals, to cast them up, in order, as he observed before, to found his resolutions on certain premises. Having then stated the tendency of the questions he meant to propose, he moved, that sir Richard Temple, a commissioner of the navy, be called in.

Sir *Richard Temple* proved, that it was customary for the Navy board, when ships were wanted for the public service, to advertise in the news-papers for so many tons of shipping as were necessary. That the contract was always made with the person who sent in the cheapest terms. That when it was made, an officer of one of the public dock-yards surveyed the ships, measured them, and reported whether they were such as were described in the contract. That the Navy-board had paid 10*s.* a ton for freight in the beginning of the war, but that in April 1776, they took up 25 ships, for the purpose of carrying the cavalry to America, for which they paid 12*s.* 6*d.* That those ships were of a par-

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ticular make and dimension. That the Navy board could at that time get no ships fit for the horses at a smaller price; but, that they had not since paid any more than 11*s*. That about the end of 1777, or the beginning of 1778, the Treasury had applied to the Navy-board, to know if they would undertake to provide for the transport service. That the board declined it, because they not only did not think it any part of their business, but had already more to do than they could well execute. That if they had undertaken it, it would have been impossible for the officer they employed to survey ships, to have done the whole duty.—Upon his cross examination, sir Richard said, that he had heard, that in the reign of queen Anne, a special commission was issued, appointing commissioners to execute the business of taking up transports during the war, at the end of which the commission ceased, and the power reverted to the Navy-board. That it might be about four months since that application was made from the Treasury, to know if the Navy-board would undertake the service, which they declined. That the ships taken up for the purpose of exporting horses, were necessarily different from those used for other purposes.

Mr. *Atkinson* was examined. He began with declaring, that at one time, when the stores were to be conveyed to Boston, he contracted with government to send them there, but that he had since acted merely as an agent for the Treasury, procuring them ships for the transport service and receiving commission money in the same manner as was customary, when the same business was done for private merchants. His house had long had a connection with most of the ship owners in the kingdom; that whenever government applied to them for ships, the mode was, to write down to their correspondents in the several sea-ports, and when they had found such ships as were likely to answer the purpose of the Treasury, to have them measured and surveyed by a person they employed for that purpose; then to enter into a charter-party with the owners, of the same nature with the charter-parties drawn up by the Navy board; that the mode of payment was to pay the owners two months in advance as soon as the ships were taken up, and two months more at the end of four months. That for some time he had only paid, and been repaid, at the rate of 11*s*. per ton freight, but that government wanting several ships in Jan. and Feb. 1777, he was under the necessity, in order to procure ships, to promise such owners as refused to contract, from a hope that the price of freight would be advanced, that if they would enter into a charter-party at 11*s*. they should be advanced as soon as the Navy-board advanced in the price they paid for transports; that when the price for the 25 ships to carry the horses was raised to 12*s*. 6*d*. per ton, the owners insisted on his paying the same; that he contended, the 25 ships were for a particular purpose, and were not to be regarded as an example; that the owners, nevertheless, insisted on their bargains, and even threatened him with law suits, unless he paid them the advanced price; that as the service pressed exceedingly, he was under the necessity of complying; that at the desire of the Treasury, he had since written circular letters to the ship owners, endeavouring to get ships at a smaller price of tonnage; that he laid the answers he received before the lords of the Treasury; that it appeared from their answers, to be the resolution of the majority of the shipholders, not to contract for less than 12*s*. 6*d*. per ton; that if the Treasury had not continued to pay that price, the public service could not have been executed; that so many transports had been wanted, he had even been obliged to send to every ship-builder in the kingdom, and contract for such as were nearly finished and fit for the service: that he had also sent over to Holland and bought ships there; that although he paid ready money, in a manner, for the freight, and the Navy-board paid in navy-bills, which at certain times bore a considerable discount, the ship owners preferred a contract with the board, alleging, that when in their service they lay a considerable time in port, and were not wearing out their sails, tackle, and ships, so much as they were when employed by the Treasury, in continual voyages to and from America; that he had argued with the ship owners in order to persuade them to take less freight, and at last got them to accept of 12*s*. per ton. That they said they did not get much more by the Treasury at 12*s*. than they formerly had got at 11*s*. for that seamen's wages were raised 14*s*. per month, and as they must necessarily have seven men to every 100 tons, they consequently only received 2*s*. for each ship more for the freight than the addition of the seamen's wages amounted

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to, and then it was to be considered, that provisions were increased in price.—Upon the duke of Richmond's asking him, what he received for commission, he said he used to receive 2½ per cent. which was the standard price for such business among the private merchants; but that last July the lords of the Treasury sent for him, and after arguing upon the great number of ships taken up, desired to know, whether he could not do the business for less; that he said, he would leave the matter entirely to their lordships, and that they had since paid him only 1½ per cent. commission.—He was asked by lord Shelburne, whether he did not think the Lords of the Treasury had not been too hard upon him? he said, if he was to answer that question to their lordships, he must say he seriously did. He informed the House, that the mode of his settlement with the Treasury was, for him, once a month, to take to the board an account of all his contracts as they then stood, with the charter-parties and certificates of such ships as had fulfilled their contracts, and to receive what was due to him upon the whole. Thus, he had on Tuesday been paid all that was and would be due for the month of March.

Mr. *Heard* proved that the totals of the accounts upon the table, to which the Resolutions intended to be moved by the earl of Effingham referred, were exact.

The Earl of *Effingham* then rose, and after paying Mr, Atkinson an ironical compliment, by declaring that his speech was the ablest defence of the Treasury that he had ever heard, descanted for some time on the evidence that had been given by the several witnesess. He then drew a comparison between the amount of the money expended by the Navy board, and the amount of the money expended by the Treasury, stating each as referring to two distinct points—the contingencies and the price of freight. In regard to the first, it appeared that the contingencies of the account from the Treasury for the transport service exceeded the contingencies of the account from the navy board for the same service in the gross sum of 131,000*l.* In regard to the article of freight, though the excess paid by the Treasury per ton had been no more than 1*s.* 6*d.* the difference was 45,000*l.* which, added to the excess in the contingencies, made the whole difference amount to 178,000*l.* Supposing, however, that he should make an allowance for some particular articles, overcharged, wrong charged, or omitted in either or both services; and on that supposition strike off 28,000*l.* of the excess of expenditure, 150,000*l.* would still remain, which was in fact a waste of the public treasure to the amount of 25 per cent. the total being but 600,000*l.* When this was attentively considered, it must produce very melancholy reflections in the breast of every man, who had the interest of his country at heart. These premises fully authorised him to brand this transaction with its true name, a job; and that of the most disgraceful nature. It carried about it all its proper marks; it was a most beneficial contract, made in the dark, with a favourite contractor. Why not advertise as the Navy board had done? Why not try particularly when they found that the Navy board had lowered the freight? The Navy board, said Mr. Atkinson, was the first occasion of raising the price; why not copy them throughout, and lower as well as increase the freight in imitation of them as they did so early as June 1776, and down to the latest accounts on the table. The witness has said in answer to this, that the Navy board took up but two ships in June, and eight in the ensuing December; therefore that the decreased demand from that board caused the freight to be lowered. He was ready to meet the objection, taking the argument either way. If the smallness of the demand could enable the Navy board to contract lower, the same cause should surely have produced a similar effect on the Treasury contract. If on the other hand, the demand for transports continued equally pressing at the Treasury, it afforded the best possible opportunity to transpose part of the business to the Navy board, who had their hands quite empty; the latter not having taken up but ten transports in full six months. This could be effected without an increase of officers, which was the only shadow of an objection he heard urged, and the foundation of almost every thing that had been offered by the very plausible gentleman at the bar [Atkinson.] The rest of what that gentleman said having gone only to an extenuation of the conduct of himself and his employers; not to justify it in any other manner than the ground of necessity, which remained yet to be proved; for he never could be persuaded, that either the necessity of the Treasury contracts for a high price, or the necessity of the Treasury board being obliged to take that business upon themselves, had been even plausibly, much less clearly made out.—

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His lordship said, the present enquiry formed but a small part of what he deemed necessary, namely, an inspection and examination of the public accounts in general. By what had appeared, there was good ground for suspicion, if not proof of actual corruption. At all events, there was sufficient evidence to support, in the fullest manner, the Resolutions which he proposed to submit to their lordships' consideration; and of course to rouze their lordships' attention to an enquiry into the expenditure of the public money, particularly at the eve of a war with France, when public frugality was become so peculiarly an act of sound policy, nay of the utmost necessity, when we considered the powerful foes we were about to contend with. His lordship concluded with informing the House, that he had several Resolutions grounded on the information on the table to propose. The first Resolution, and that on which the question was put, was "That there was taken up by the Navy board, from September 1775 to September 1777, 435 vessels, carrying 131,120 tons."

The Earl of *Sandwich* opposed the Resolution. He did not doubt its veracity, but he was very sure, from the nature of the service, every possible œconomy was adopted by the Treasury; and one proof of that was, the Treasury lately knocking off the odd sixpence, because the Navy gave no more than 12*s.* per ton. The price of freight was raised; the service was pressing and could not be trifled with; the troops must be fed; for who would have Englishmen and friendly foreigners to starve in a hostile land? That the necessity of sending them provisions at any rate was such, that if the freight had been double it must have been paid; that he had seen several letters from gen. Howe, praying, that a supply of provisions should be expedited; that so far from censuring the Treasury, they deserved the thanks of the country, for the zeal and alacrity they had shewn in this very business. His lordship concluded with moving that the chairman do leave the chair.

The Earl of *Suffolk* said he must now, as he had done before, declare his objection to any resolutions upon matters of fact. The evidence had proved that transports could not be procured cheaper. The necessity of the service called for dispatch. Sir W. Howe had frequently pressed administration on that head.

The Earl of *Shelburne* said that sir R. Temple answered reluctantly, and that Mr. Atkinson had, with great plausibility, assigned every reason for the contract being entered into but the true one; and had taken great credit to himself and his employers, for his abating one per cent. of his commission; but when did that happen? at the time that a very critical scrutiny was making into the scandalous rum contract, which had been condemned as a job, by the very able and respectable merchants to whom this shameful transaction was referred.

The question was put for the chairman to leave the chair: Contents 39, Noncontents 18. The House being resumed,

The Earl of *Effingham* then moved a string of Resolutions which he intended for the establishment of his facts; which being all set aside by the previous question, he next moved, "That the employing private persons in the hiring and equipping of these vessels, instead of their being taken up as those by the Navy board, hath been a loss to the public to a very great amount."

The House divided, Contents 17; Noncontents 35.

Mr. Grenville's Motion for all Communications touching a Treaty between France and America.] March 16.

Lord *North* gave notice that he should to-morrow present a Message from the King.

Mr. *Grenville* said, he believed the subject of the message was already anticipated by the House. But in order that gentlemen might be truly, as well as fully, informed, before they determined what Answer to give, he begged leave to move, "That an humble Address be presented to his Majesty, to desire that he will be graciously pleased to order that there be laid before this House, copies of all Communications from his Majesty's ambassador at the court of France, or the French ambassador at this court, touching any treaty of Alliance, Confederacy, or Commerce, entered into between the court of France, and the revolted colonies in North America."

Mr. *Burke* warmly seconded the motion. The present situation of our affairs, he declared to be to the last degree desperate. The stocks, the political pulse of the nation, were so low, that they plainly demonstrated the weakness of the state; they were already sunk as much as in times of foreign war; and afforded the most gloomy pros-

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pect. Sunk as the nation was, robbed of her treasures, injured in her honour, she had a right to take every step that could lead her to a discovery of the counsels, and of the persons who gave them, by which she had been reduced from the pinnacle of honour and power, to the lowest ebb of wretchedness and disgrace.

Mr. *Fox* took a retrospect of the various measures adopted by the present administration: he pointed out the causes to which their failures ought to be attributed: he insisted that the ignorance of the ministry was the source of our misfortunes; and from their incapacity to conduct a war with the poor pitiful, provinces of America, as he affected to call them, he inferred that the complicated business of a foreign war with the most powerful princes in Christendom must of course so far transcend their abilities, that the nation must absolutely be undone if the administration of our affairs was to continue in their hands. Melancholy as was the prospect that a war afforded us, it would have this good effect; that it would rouse the nation to a sense of the wrongs they had been made to suffer, by being made to feel at once all those calamities, for which the ministry had prepared them by degrees, by their slow but destructive measures, which, though they did not precipitate the nation into a foreign war, had, by a slow process, inevitably brought it on. The House had been made to act a fool's part. Conciliatory Bills had been passed, and commissioners appointed to treat with the Americans, even after they had been acknowledged an independent state by France. Ignorance of such a circumstance was unpardonable; and the contempt which it served to bring on the House called aloud for resentment. Ministers, he said, could never execute their duty to their country, nor counteract the schemes of her enemies, if they did not procure intelligence of the measures adopted for our annoyance. He asked the House if a set of men ought to be any longer trusted with the reins of government, who received the first positive assurance of a Treaty concluded by France and America, from the French ambassador? Their supineness, folly, and ignorance, in that one instance, sufficiently proved them to be unworthy of their employments. But to declare them only unworthy would not be doing sufficient justice to the people: the violators of whose rights, and the spoilers of whose property the parliament was bound to punish: they should likewise be made to account for the injuries done their country: the only means of determining the quantum of guilt, and where it particularly lay, could not be well ascertained without the papers in question: he therefore wished strongly to support the motion.

The *Attorney General* was astonished that such a motion should be seconded; it was of such a nature that it would be the most crying injustice to agree to it: it was unprecedented: a similar one never had passed that House; never ought to pass any House, who looked upon a breach of faith to be a crime; the letters contained perhaps information received from persons whose lives might be affected by a discovery. Therefore, as he could not reconcile such treacherous behaviour to his principles, he would oppose the motion.

The Solicitor General spoke on the same side. General Conway, Mr. Turner, and Mr. Hartley spoke in favour of the motion.

Governor *Johnstone* said, though he heartily concurred with those who were of opinion that the present ministry were unequal to the discharge of the duties their office imposed on them; yet he would not allow that our affairs were in a desperate situation: the navy, indeed, was not in the condition that we might wish it to be in; but he still trusted that the spirit of the nation, and our known superiority in experience in naval affairs, would extricate us from the difficulties under which we now laboured.

Mr. *Rigby* delivered his sentiments in a style calculated to remove ill-humour and excite mirth; he hoped that the common danger would tend to conciliate all parties, and create that unanimity which was necessary at present, and which would ever render us formidable to our enemies.

Lord *North* requested that he might be indulged with the attention of the House for a few minutes, while he should make a reply to the many severe reflections that had been passed on the ministry, part of which was, no doubt, intended for him. If a resignation of his place could in anywise tend to extricate the nation from its present difficulties, he had often declared, and then repeated the declaration, that he would most willingly resign; but as it would be cowardly to give up in the hour of danger, and, as resignation at that crisis would create confusion in the ministry, his honour, his pride, his duty to his coun-

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try, convinced him that he ought not to go out of office. As to his abilities to conduct a war, and direct the helm of the state, he confessed they were such as could be very easily matched. He did not doubt but that there were many gentlemen in that House who were possessed of abilities far superior to any he could boast: his integrity was all he could plume himself upon; and in that he would be bold to say he was inferior to no man in the nation. The Conciliatory Bills he had yet reason to hope would be productive of happy effects; and though a treaty had really been concluded between the colonies and France, yet it was natural to expect that it must be ratified by the Congress. He did not, therefore, despair that the terms offered, and ensured by the Conciliatory Acts, would so pacify the minds of the people of America, as to prevent a ratification of the treaty. He was led still the more to expect these effects by the very circumstance of the time, which the French ambassador chose to make the declaration, namely, when the commissioners were on the point of setting out. He, therefore, thought that our present difficulties might perhaps be still removed without a war. Our situation was not yet so alarming as gentlemen might think: our fleets for home defence were in a condition to do all the service that we could expect, and to answer all the purposes of securing us from an invasion, and repelling the enemy. The present motion was so contradictory to every idea of justice, public faith, and sound policy, that he certainly would oppose it; and as he never would consent that those persons, who, under the confidence of the faith of nations, might have given our ambassador information, should be given up to the resentment of those who might punish them, he would therefore endeavour to get rid of the motion by the previous question.

Mr. *Grenville* said he did not wish to expose any man; and amended his motion with, "or extracts."

Lord *North* said the amendment could not be received after the previous question had been moved.

Mr. *Fox* got up in great warmth, and reprehended the noble lord in the severest terms, for what he called quibbling and chicane.

Lord *North* withdrew his motion; and the amendment was received: after which he moved the previous question again. He desired the House to take notice, that he had never said the treaty between France and America was not signed; and added, that his policy for concealing it was good. The French had been the first to make it known. If it was the interest of France to publish it, it was the interest of England to conceal it. He called the French ambassador's rescript insolent and offensive; and concluded with saying, it was his firm unalterable resolution to keep his place.

Tellers.

Yeas	Mr. Grenville - - - Mr. Baker - - - -	146
Noes	Mr. Charles Townshend Sir Grey Cooper - -	231

So it passed in the negative.

The King's Message respecting the Treaty between France and America.] March 17. The following Message from his Majesty was presented to the Lords by viscount Weymouth:

"George *R.*

"His Majesty, having been informed, by order of the French king, that a Treaty of Amity and Commerce has been signed between the court of France, and certain persons employed by his Majesty's revolted subjects in North America, has judged it necessary to direct, that a copy of the Declaration, delivered by the French ambassador to lord viscount Weymouth, be laid before the House of Lords; and at the same time to acquaint them, that his Majesty has thought proper, in consequence of this offensive communication on the part of the court of France, to send orders to his ambassador to withdraw from that court.

"His Majesty is persuaded, that the justice and good faith of his conduct towards foreign powers, and the sincerity of his wishes to preserve the tranquillity of Europe, will be acknowledged by all the world; and his Majesty trusts, that he shall not stand responsible for the disturbance of that tranquillity, if he should find himself called upon to resent so unprovoked and so unjust an aggression on the honour of his crown, and the essential interests of his kingdoms, contrary to the most solemn assurances, subversive of the law of nations, and injurious to the rights of every sovereign power in Europe.

"His Majesty, relying with the firmest confidence on the zealous and affectionate support of his faithful people, is determined to be prepared to exert, if it shall

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become necessary, all the force and resources of his kingdoms; which he trusts will be found adequate to repel every insult and attack, and to maintain and uphold the power and reputation of this country."

A similar Message was sent to the Commons. At the same time was presented

COPY of a PAPER delivered to Lord Viscount Weymouth by the Marquis de Noailles, the 13th March 1778, and Translation: viz.

The underwritten Ambassador of his Most Christian Majesty has received an express Order to deliver to the Court of London the following Declaration:

"The United States of North America, which are in full possession of the Independence declared by their act of the 4th July 1776, having caused a proposal to be made to the king, to consolidate, by a formal convention, the connections that have begun to be established between the two nations, the respective plenipotentiaries have signed a Treaty of Amity and Commerce, intended to serve as a basis for mutual good correspondence.

"His majesty, being resolved to cultivate the good understanding subsisting between France and Great Britain, by all the means compatible with his dignity, and with the good of his subjects, thinks that he ought to impart this step to the court of London, and declare to it, at the same time, that the contracting parties have had attention not to stipulate any exclusive advantage in favour of the French nation; and that the United States have preserved the liberty of treating with all nations whatsoever, on the same foot of equality and reciprocity.

"In making this communication to the court of London, the king is firmly persuaded, that it will find in it fresh proofs of his majesty's constant and sincere dispositions for peace; and that his Britannic majesty, animated by the same sentiments, will equally avoid every thing that may interrupt their harmony; and that he will take, in particular, effectual measures to hinder the commerce of his majesty's subjects with the United States of North America from being disturbed, and to cause to be observed, in this respect, the usages received between trading nations, and the rules that may be deemed subsisting between the crowns of France and Great Britain.

"In this just confidence, the underwritten ambassador might think it superfluous to apprize the British ministry, that the king his master, being determined effectually to protect the lawful freedom of the commerce of his subjects, and to sustain the honour of his flag, his Majesty has taken, in consequence, eventual measures, in concert with the United States of North America. M. DE NOAILLES."

"London, 13 March, 1778."

Debate in the Lords on the King's Message respecting the Treaty between France and America.] As soon as the above Message and Declaration had been read,

Viscount *Weymouth* rose for the purpose of moving an Address to his Majesty. He acquainted the House, that his Majesty, in consequence of the above Declaration, had dispatched letters of instant recall to the British minister at Versailles; that he beheld with indignation this open violation of the established amity between the two courts, and though he would not be the first disturber of the tranquillity of Europe, yet it was necessary for him to take such measures as might secure the dignity of his crown, and the welfare of his people, and hoped for their lordships' concurrence and support. His lordship concluded with moving, "That an humble Address be presented to his Majesty, to return his Majesty the humble thanks of this House for the communication of the Paper presented to the lord viscount Weymouth, by the order of the French king; and for acquainting this House, that in consequence of this offensive Declaration, his Majesty has thought proper to order his ambassador to withdraw from the court of France.

"To assure his Majesty, that it is with the utmost difficulty this House can restrain the strongest expressions of the resentment and indignation which they feel for this unjust and unprovoked aggression on the honour of his Majesty's crown, and the essential interests of his kingdoms, contrary to the law of nations, and injurious to the rights and possessions of every sovereign power in Europe.

"That the good faith and uprightness of his Majesty's conduct towards foreign powers, and the sincerity of his intentions to preserve the general tranquillity must be acknowledged by all the world; and his Majesty cannot be considered as responsible for the disturbance of this tranquillity, if his Majesty should find himself

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called upon to resist the enterprizes of that restless and dangerous spirit of ambition and aggrandizement which has so often invaded the rights, and threatened the liberties of Europe.

"That we should be wanting in our duty to his Majesty and to ourselves, if we did not give his Majesty the strongest assurances of our most zealous assistance and support; every sentiment of loyalty to his Majesty, and of love to our country, will animate this House to stand forth in the public defence, and to promote every measure that shall be found necessary for enabling his Majesty to vindicate the honour of his crown, and to protect the just rights and essential interests of these kingdoms."

The Duke of *Manchester*, however great the provocation given by France might be, was totally against their lordships agreeing with the Address, if the approaching war was to be conducted by the same men who were the authors of all our present calamities: men, in whose hands nothing could succeed; and in whom it would be madness to confide. He reminded their lordships of the frequent admonitions ministers had received from that side of the House, in which almost every progressive step towards national ruin had been exactly foretold, even to the very important business of that day. They were informed of this very treaty: they declared their ignorance of it. He had himself, from time to time, as an act of duty, communicated whatever came to his knowledge respecting the disposition of the court of France. He was satisfied of the truth of the matters contained in those communications; but he had no right to expect that their lordships would give credit to private information, in preference to the assurances of ministers whose special duty it was to be acquainted with, and make known to that House, the views, motives, and disposition of our natural enemies. Indeed, there were some leading facts which spoke strongly in favour of what he had suggested to their lordships, such as the residence of Messrs. Franklin and Deane at Paris: the open commerce carried on between France and the colonies; the protection given to their privateers and merchant-vessels; the contract between the Congress delegates, and the French farmers general, for certain quantities of tobacco, the growth of the North American colonies, to be delivered in France, at a stipulated price, &c. These, his grace remarked, were circumstances sufficient to open the eyes of the most incredulous; but, in spite of all this, ministers got majorities to support them, against the strongest convictions of probability and common sense.—If we were to meet our enemies, the spirit of the nation must be as well directed as called forth. The situation of this country was perilous to the last degree; but, under the conduct of such an administration, ruin was inevitable. The enquiry into the state of the nation proved their total incapacity. Destitute of a military force for the home defence, or of our only true national bulwark, a respectable navy, they laid us at the mercy of our enemies; they wasted our blood and treasure to no purpose; and, what was worse, they rendered us defenceless. They brought us to the melancholy dilemma of not being in a state to make peace, or prosecute war. Were we prepared for a war? No noble lord would say we were. Could we preserve peace? He feared it was impossible. His grace then moved, that after the words, "zealous assistance and support," the following words be added: "Whenever his Majesty shall, from his regard to the honour of his crown and safety of his subjects, remove from his councils those persons under whose administration no plan civil or military has been successful, and the colonies, so valuable a part of the empire, have been lost to this nation, and driven into connexions with the court of France, and whose longer continuance in power we are bound to represent to his Majesty may highly endanger the safety of his crown, and the remaining parts of his dominions."

Viscount *Weymouth* said, the amendment was in the first place conditional; in the second, it contained an accusation against ministers. It was the first time he ever heard an address clogged with a condition which implied, that what was right in itself ought not to be pursued, unless something else were granted. For his part, if the address met the sentiments of the House, he thought it should receive its sanction entirely on its own intrinsic merits, and not while their lordships were acceding to an act of duty, accompany that act with certain compulsory conditions. Such a conduct had both an ungenerous and unjust appearance.

Lord *Dudley* said, he had voted for all the measures of ministers, relative to the affairs of America, and could justify his

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conduct to his own conscience. The war was in its principles just, and was founded in good policy. The measures, though they had failed, were wisely planned, and must have succeeded, if they had been properly executed.

The Earl of *Effingham* begged to know if there were any proofs wanting, to shew the total incapacity of ministers. Every measure they planned contained the fullest evidence of their insufficiency. He would not undertake to say who were the proper persons to succeed them. One rule however, for chusing ministers, he must adopt, which was, that they would be such men as were most likely to disclaim all subserviency, dependence and obedience to an invisible power. This invisible power was the great grievance to be provided against. This unconstitutional subserviency was the grand root of all the evils which have poured in upon us, since the commencement of the present reign. Whoever resisted this secret, concealed impulse, however able, was proscribed; whoever paid the desired obedience to it, however weak, ignorant, or incapable, was patronized and supported. To drag this secret, undermining power into the face of day, ought to be the first great object. As long as that power was able to influence, and shift the responsibility annexed to the direction of the national councils, a change of men would avail nothing; the same influence would continue to produce similar measures. To destroy that influence, it would be first necessary to identify and detect it. This could never be the case, while the distinctions of an ostensive and efficient cabinet were preserved. He had heard a great deal of an efficient cabinet at the commencement of the present war. He had heard a noble and learned lord (Mansfield) acknowledge that he was once a member of that efficient cabinet, but had declined it for some years before. He had heard the same noble lord say, that we had passed the Rubicon, and could not retreat. He feared doctrines of this kind did not originate in their proper place; he presumed that they came to ministers but at second hand; he was, therefore, for tracing the effect to its true cause. The only expiation ministers could make to their country for the ruin they had brought upon it, was to disclose the authors of those measures; instead of sheltering themselves behind the name of the King at one time, and the parliament at another. This last part of the subject brought into his memory another ground of exculpation, urged by ministers, who had repeatedly said they were not responsible, because the measures pursued were the measures of parliament. He looked upon himself specially bound never to permit this doctrine to pass unnoticed; he pledged himself that he would never endure such a ministerial apology to pass, without properly animadverting upon its fallacy. Parliament had been deluded, deceived, abused, and misled. Ministers had misinformed parliament all along; they had misrepresented the force we had to contend with: they had acted in like manner respecting our state of ability and preparation; they assured us, that France was not only pacific, but friendly, but even though she were not sincere, that we were prepared for the worst; and above all, they told us that America was both weak and disunited, and that all we had to do, was to send a sufficient force to protect and put arms in the hands of the friends of government; consequently, let the fault originate where it may, in a junto, an efficient cabinet or private advice; none of those descriptions of men could shelter themselves behind parliament. They were measures recommended to parliament, and adopted by it, upon assurances repeatedly given; if the facts contained in these assurances were false or ill-founded, those, and those only who gave them, or instructed ministers to give them, were responsible to parliament, and the people at large.

Lord *Ravensworth* said the situation of the nation was to the last degree melancholy and alarming, and that whichever way we turned, almost insurmountable difficulties presented themselves. In such a critical moment of national calamity, there was but one measure left to save us, which was, that of removing those ministers who had been sufficiently convicted of every species of ignorance and violence.

The Marquis of *Rockingham* asked, shall we attack France, and thereby draw on us the whole strength of the House of Bourbon united with America against us? Shall we desert our attempt on America, and leave the united states at full liberty to join with our foreign foes? Shall we leave our West-India islands and our northern fisheries to fall a prey to some one or all of these powers? Or shall we, by protecting those places, leave the coasts of these kingdoms open to a foreign invasion? If any one of those places were left unprotected and defenceless, the consequences

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would be dreadful; and still no noble lord present, in or out of administration, would, he hoped, venture to say, that we were at present in a state of strength and preparation to attend to those several objects. Was it a fair way of judging what we were equal to, by what we had already done? If that was to be the test, surely our situation was truly deplorable. What had we done, after three years exertion of our whole strength both by sea and land? We had been defeated, or baffled, which to us was equivalent to defeat. We had lost one army, and perhaps, in a few months might lose the other. But who had been our adversaries? A people who had been represented as poltroons and cowards.

After reminding the King's servants of what he called their invincible obstinacy, in adhering to measures, the evil consequences of which had been so often foretold, he animadverted on what had, in his opinion, been so improperly called the Conciliatory Bills. The very day the motion was made by a noble lord in the other House, for leave to bring in the Bills, the noble duke near him (Grafton) reminded administration, that an hon. member in the same House (Mr. Fox) informed the minister, that this treaty had been signed the 6th of the same month; and asked, if any one of the ministers had heard any thing of such a treaty? On which the noble viscount, who now moved the Address, said he had not. Taking this answer either way, he contended, that ministers were equally to blame. If they knew the report to be true, what a farce was it to hold out terms to America, already united to France by treaty! If they did not know of it, was it not the most unequivocal proof of their total incapacity? America would laugh at the folly and flimsy cunning which dictated those Bills. The truth was, France and the colonies were in alliance. Nothing we could now do would be sufficient to break it, unless we declared America independent, and unless we held out advantages in commerce which would render our offers acceptable; and such too as she could not obtain from any other nation. A declaration of this kind might not, perhaps, repair our injured honour, but it would secure much more substantial benefits.

He observed, that in the midst of the most glorious successes this or any other country ever experienced, when we had the two most powerful monarchies in Europe to contend with, nay, indeed, almost all Europe; and when our success and territorial acquisitions increased in proportion to the number of our foes, and the formidableness of the resistance we met; in the very zenith of our naval glory and military victories, the main argument for making a peace was, the low price of our stocks, and the inability and ruinous expence of prosecuting a war carried on in so extensive a manner. What is the case now? Without an ally, baffled and defeated by a part of our own subjects; half exhausted, we are going to enter into a war with the same great powers, and that for an object impossible to be attained by the force of arms. Here his lordship computed the several sums borrowed for the three last years of the late war, which he said, were 12, 18, and 12 millions. The first of those years we borrowed at 4, the next at 4½, and the last at 5 per cent.; whereas now before the battle is begun, and when we want to borrow only six millions, we are obliged to pay upwards of 5 per cent. This, he said, must shew all the living friends of the late peace the madness of going to war. The marquis ascribed every one of the disagreeable circumstances which pressed upon this country, to the ignorance, wilful inattention, or shameful servility to the instructions of those who dare not avow themselves of the ministry. France, whatever ministers pretended, or might still continue to pretend, acted her part without disguise, and it was evident that in her present notification she laughed at the British ministry.

The Duke of *Richmond* said he was astonished at the silence of ministers, one of whom had moved an Address, the consequences of which might involve the nation in ruin; yet had declined to offer a single reason in its support. It imported nothing less than a declaration of war on our part; before their lordships, therefore, acceded to so hazardous a proposition, he thought it behoved ministers to inform the parliament and people, how far we were prepared for such an event; to acquaint their lordships with the state of our finances, the strength of our armies and fleets, the general resources in men and money, the number of our allies, and their ability to assist us. It was not because France had acted treacherously or unfairly; it was not because she had insulted us, and treated us with derision and contempt, that we should rush headlong on certain ruin; we should first look to the object, to attain which, we were about

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to plunge ourselves into a war with the united power of the House of Bourbon, aided by a third part of our own subjects; and follow it by another consideration, the possible consequences of miscarrying in the attempt, and bringing certain destruction on our own heads. What, then, was the object? Most certainly the recovery of America. Would any one lord in administration rise and say, that there was the most distant prospect of recalling America from her engagements with France?

In a choice of difficulties, what then was to be done? For his part, he would, instead of sending out commissioners to no purpose, arm them with powers to declare America independent, if they chose it. This would be the only means to avoid a war, in the first instance, with France; and the best method to secure the friendship and commerce of our colonies. For to him two things appeared equally certain, which were, that all we could ever expect from America was a friendly alliance, founded in reciprocal commercial advantages; and that, if we declared war, which the present Address imported, America would find herself bound by every tie and motive of honour, interest, and sound policy, faithfully to adhere to her engagements with France, as being the cause of that war. His grace condemned the language held by some lords, in throwing the blame upon the generals and commanders in America. But such language was used sparingly there, in comparison to the pains taken to circulate such opinions without doors. He said general Howe was a great and able officer; that the fault was not in the execution, but the plans; and that he had performed every service he was sent upon.

He took up the Message from the table; and after saying he should consider it as the work of the minister, he read it, and objected very forcibly to the warmth of the expressions, declaring, that in his opinion France had done nothing wrong in coming into such a treaty as she had made with America. That she had patiently waited from the 5th of July, 1776, to the 6th of February, 1778, almost two years, before she would come into any sort of compact with America. That now she had found it convenient and right to do it, she had done it without excluding Great Britain from a share of the American commerce, and in such a manner that it was not a necessary consequence for a war to ensue, unless Great Britain provoked one. The notification of this treaty, made by the French ambassador, also had not one angry word in it; there was no necessity for us, therefore, to commence a war; the nation was in circumstances every way unfit for such an undertaking, and if peace could be preserved without injury to the honour of Great Britain, it was an act of madness to go to war. Had he been to advise his Majesty, he certainly would have advised him merely to state the fact to parliament, and not by any means to have done it in the language of passion. As the matter stood, he thought the wisest way would be not to echo back the message, but in the Address merely to say, that their lordships were on all occasions ready to support the honour and dignity of the crown.

The Bishop of *Oxford* (Dr. Robert Lowth), after apologizing for a man of his profession taking part in a debate in which war was the subject, observed, that in another House of Parliament, his brethren had been said to have been clothed in blood; in answer to which remark, he should content himself with declaring, that the speaker of it was not eloquent in so saying. His lordship spoke to the origin of the American war, and said, though representation and taxation had been denied to be correlative terms, he had, after mature thinking, found out a proposition that was correlative, and that was taxation and protection; the former not to be paid as the price of the latter, but to be agreed to as the means of enabling this country to afford the latter.

The Earl of *Coventry* replied to the right rev. prelate, by reminding him of a portion of Scripture, which recommends to a prince before he goes to war, to consider well both his own strength and that of his adversary; and if, by a comparison, he should find the scale preponderate against him, then to do every thing in his power to conciliate, and promote peace with the enemy. He begged that his lordship would make the application.

The Bishop of *Oxford* rose again, and thanked the noble earl for reminding him of the resources of the kingdom, which he declared he had in his head when he rose to speak, but from the suddenness of his speech they had escaped him in the course of it. Great Britain, he trusted, was not without resources; he was sure, if the extravagances of all ranks of people were retrenched, enough might be saved to carry on the war; enough to build a fleet large

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enough to protect this nation, might be saved, even from the profusion of their lordships, from the vast sums which some of them so idly wasted.

The Earl of *Abingdon*. I rise to express my utmost indignation at what I have this day heard from his Majesty's ministers. My lords, his Majesty is betrayed, this House is trifled with, the nation is insulted; but I hope this House has not lost its resentment, and that Englishmen will no longer bear the treatment they have met with. It is not more than twelve days since, ministers told us that no treaty was signed between France and America, and that they had every assurance of peace with France. And now, my lords, we are told by those very ministers, that a treaty is signed between France and America; and, by a message from his Majesty, we are called upon to go to war with France. Is this possible, my lords? A war with France! Yes, and with Spain too. Unable to cope with America singly, we are to have a war with France and with Spain united; as if in our very weakness consisted our strength. This is madness, it is desperation, it is folly. No, my lords, it is neither; it is wickedness; this country is sold to France. When suspicious men leave their duty and their office here, and unofficially take journies to Paris, there is something more than suspicion in this. If this country becomes a province to France, as I too much fear it will, that infamous family of the Stuarts may again be seated on the British throne. My lords, there is no other key to open the mystery of these measures; and I am not single in my opinion; the eyes of many see it in the same light; and I could wish it to become the subject of your lordships' attention.

The Earl of *Shelburne*, after saying that the declaration delivered by the French ambassador was of such a nature as to render it almost impossible to avoid a war, asked how we were prepared for such an event? Without fleets, without armies, without allies, and without resources, what was to be done? Ministers had not a moment to lose; they must instantly set about adopting measures suited to the present exigency of affairs; they must not only get a sufficient force ready to begin the war, but by reviving the spirit of the constitution, by dropping every inferior, petty, clerk-like system of government; by rendering the operations and plans of the cabinet obvious, clear, and transparent, so that all who run may read, they must regain the confidence of the people, without which they could neither prosecute the war with vigour, nor hope to end it with honour. Above all things, he advised them to drop the scandalous exertion of undue influence, to relieve the people from the burden of corruption, and to advert to a beautiful expression, which he had met with in the parliamentary debates of former periods, and which fell from the mouth of a noble member of that House, namely, "That every weight taken off the nation gave her wings." Thus, by lightening the pressure upon the people, they would have power to exert themselves; their ancient spirit would revive, and entering into the war with cheerfulness and alacrity, they would pursue it with vigour. The Bank of England must be considered; every possible means must be exerted to assist the Bank and keep up the public credit. Sleeping and waking he had it ever in his mind, and Dr. Price, with whom he had frequently conversed on the subject, had convinced him of the urgent necessity of making the Bank a primary object of national attention and support.

After going through the various points in order to enable us to maintain the war successfully, his lordship took occasion to throw out some severe remarks, applicable, he said, to a certain law lord (Mansfield.) He said when he was last in France, he had a long conversation with a churchman, and among other matters, politics came to be the topic; when the priest declared, that his profession was of all others the best for a statesman, for that whenever a churchman had by his intrigues and adventures as a politician, put the kingdom in danger, and thrown the public concerns into confusion, he had nothing to do but to retire to his church, content himself with the parade that situation afforded, and lie snug till public matters having taken a different turn, and recovered their former prosperous condition, it was safe for him again to step forward, and once more become the state pilot. His lordship said, he feared another profession in this country followed the same idea, and practised exactly what the French churchman had mentioned to him; he meant the law. Were our judges solely employed in explaining the statutes, and distributing justice in the courts below? Had no one of them busied himself more in political projects than in the duties of his profession? In his opinion, the office of judge was a most important one, and so

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weighty was the duty, that no other avocation should be suffered to interfere with it; least of all, that of directing the helm of government. If judges could with safety turn state Quixotes, and from motives of vanity, and the hopes of aggrandizing their names, indulge themselves in mad schemes and absurd projects, till finding the ruin of their country to be in prospect, in consequence of their politics, they thought it necessary to slip their necks out of the collar, and retire to their courts, he should be one to say, that the Act which rendered the judges no longer dependent on the crown, and which had been regarded as a praise-worthy statute, was the most pernicious and fatal to the essential interests of the people that ever passed in this country. He affirmed, if such a traitorous conduct was permitted to go unpunished, the Act for rendering the judges independent of the crown, instead of being the greatest blessing to the nation, would prove its greatest curse; because on a change of administration such men might formerly be removed; whereas now they may retain their places, unless some special delinquency should be proved against them, which was not always practicable.

His lordship differed from the duke of Richmond respecting the propriety of preserving peace; declaring he thought, circumstanced as we were, that war must be pursued. He said he would not cant, nor did he mean to preach to their lordships, for that was the office of the clergy; not that he thought the right reverend lord who had spoken in the present debate had given a good answer to the charge of the bench being clothed in blood, by preaching up a spirit of unanimity for war. The right reverend lord had mentioned one species of resource; he would beg leave to recommend another, and that was to lop those drones of society, the church benefices; he did not here allude to the bench, he meant only the golden prebends, and those church officers, who, having no parochial connection, lived a life of idleness. He concluded with declaring that he was an advocate for peace, if it could be procured with honour, which he did not think possible. So far, however, was he from wishing to be thought an advocate for war, he would neither give his vote as an affirmative to the Address, nor as a negative for the Amendment.

The question was put on the duke of Manchester's amendment, when the Contents were 34, proxies 2, total 36; Non-contents 84, proxies 16, total 100. As soon as their lordships returned from below the bar,

Lord *Ravensworth* made some severe observations on the conduct of ministers, in not offering a single syllable in support of the motion. He observed that there was a very full and respectable bar; and he doubted not but it would get out among the body of the people, in what a contemptuous manner ministers had dared to treat the King's message.

Viscount *Weymouth* replied, that if this censure was principally intended for him, he did not think himself nor any other lord in office in the least deserving of it. He could, however, answer for himself, that his silence proceeded from no disrespect, but merely because he thought there was no occasion to support a measure by argument or elucidation, which, from the tenor of the paper, became an act of necessity.

The main question was then put on the Address: Contents 68, Non-contents 25.

The Lords' Address on the King's Message respecting the Treaty between France and America.] The following is a Copy of the Lords' Address:

"Most gracious Sovereign,

"We, your Majesty's most dutiful and loyal subjects the Lords spiritual and temporal in parliament assembled, return our humble thanks to your Majesty, for the communication of the Paper presented to the lord viscount Weymouth, by the order of the French king: and for acquainting us, that in consequence of this offensive declaration, your Majesty has thought proper to order your ambassador to withdraw from the court of France; and we beg leave to assure your Majesty, that it is with the utmost difficulty we can restrain the strongest expressions of the resentment and indignation which we feel for this unjust and unprovoked aggression on the honour of your Majesty's crown, and the essential interests of your kingdoms, contrary to the law of nations, and injurious to the rights and possessions of every sovereign power in Europe.

"The good faith and uprightness of your Majesty's conduct towards foreign powers, and the sincerity of your intentions to preserve the general tranquillity, must be acknowledged by all the world; and your Majesty cannot be considered as responsible for the disturbance of this tranquillity, if you should find yourself called upon to resist the enterprizes of that

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restless and dangerous spirit of ambition and aggrandizement, which has so often invaded the rights, and threatened the liberties of Europe.

" We should be wanting in our duty to your Majesty and to ourselves, if we did not give your Majesty the strongest assurances of our most zealous assistance and support. Every sentiment of loyalty to your Majesty, and of love to our country, will animate us to stand forth in the public defence, and to promote every measure that shall be found necessary for enabling your Majesty to vindicate the honour of your crown, and to protect the just rights and essential interests of these kingdoms."

The King's Answer.] His Majesty returned this Answer:

" My Lords,

" I thank you for this loyal and affectionate Address. Nothing shall be wanting on my part that may tend to the effectual support of the just rights of my crown, and the true interests of my people. These great and important considerations shall ever be the immediate object of my attention."

Debate in the Commons on the King's Message respecting the Treaty between France and America.] The Message being read, lord North rose and moved the following Address of Thanks:

" Most gracious Sovereign,

" We, your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, return our humble thanks to your Majesty, for the communication of the Paper presented to the lord viscount Weymouth, by the order of the French king; and for acquainting us, that in consequence of this offensive declaration, your Majesty has thought proper to order your ambassador to withdraw from the court of France: and we beg leave to assure your Majesty, that it is with the utmost difficulty we can restrain the strongest expressions of the resentment and indignation which we feel for this unjust and unprovoked aggression on the honour of your Majesty's crown, and the essential interests of your kingdoms, contrary to the law of nations, and injurious to the rights and possessions of every sovereign power in Europe.

" The good faith and uprightness of your Majesty's conduct towards foreign powers, and the sincerity of your intentions to preserve the general tranquillity, must be acknowledged by all the world: and your Majesty cannot be considered as responsible for the disturbance of this tranquillity, if you should find yourself called upon to resist the enterprizes of that restless and dangerous spirit of ambition and aggrandizement, which has so often invaded the rights, and threatened the liberties of Europe.

" We should be wanting in our duty to your Majesty, to our constituents, and to ourselves, if we did not give your Majesty the strongest assurances of our most zealous assistance and support: and we have the firmest confidence, that, in every demonstration of loyalty to your Majesty, and of love of their country, your faithful subjects will vie with each other; and that no considerations will divert or deter them from standing forth in the public defence, and from sustaining, with a steady perseverance, any extraordinary burthens and expences which shall be found necessary, for enabling your Majesty to vindicate the honour of your crown, and to protect the just rights and essential interests of these kingdoms."

Lord *George Germain* seconded the motion, but said nothing else.

Mr. *Baker* thought it was not sufficient to say we were in this dilemma, which the French ambassador's paper told us; but enquiry should be made how we came into it: and moved the following Amendment, after these words " assistance and support:" " hoping and trusting that his Majesty will be graciously pleased to remove from his counsels those persons in whom his people, from past experience, have reason not to repose confidence, in the present momentous situation of public affairs."

Sir *George Yonge* seconded the amendment, and said, that nobody could feel more than he did the general resentment at the daring insult offered us by the crown of France: that it ought to be resented, and the injury repelled; and he did not doubt we had strength and spirit to do it. But that he could not help at the same time lamenting the very distressing situation of public affairs, and the continued scenes of misconduct, which he was convinced had encouraged the House of Bourbon to offer this insult. That we should in vain offer support to his Majesty, if we did not at the same time inform him of the incapacity of those in whom he had trusted for the management of his affairs; and the little reason his people had to place any confidence in them. That it was evident

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to all men, the French had from the beginning fomented this American war. To put the matter out of doubt, the present notification confessed that their connexion with America took its date from the declaration of independency in July, 1776; that it was plain a negociation had been carrying on ever since; that the servants of the crown ought to have known this; that he therefore concluded they did know it; they were unfit to govern a great country, if they did not; that, without dwelling upon their having concealed and denied it, at least, they ought to have been prepared for this event; that, instead of this, the treaty, and the notification, appeared to be a matter of as great surprise to the ministers as to any body else. That their being unprepared for it had left the kingdom equally so; and exposed, naked, and defenceless, after a disgraceful war with America, for three years, to the attacks of the united force of the House of Bourbon, without means to resist it. That our land forces were barely sufficient for our defence, without any means to garrison or strengthen our distant fortresses, settlements, or dependencies: that our navy, at the utmost, consisted of no more than 30 or 35 sail of the line fit for service: that twice that number was necessary for the various operations of war; that we had not a ship in the Mediterranean; so that Gibraltar and Minorca were left unguarded: that we had none in the East Indies, or in Africa, and but a weak force in the West Indies: that France had strengthened herself in all these parts; and, in short, all our dependencies were in imminent danger. That our credit was at the lowest ebb; and the people had no confidence in government: that the French knew all this; and were by these circumstances encouraged to offer us this insult: that the people knew it; and his Majesty ought to know it: that we best could inform his Majesty of the case of his people; and the best time of doing it, was when we were offering him our support; to express our desire, that he would do the only thing which could make any support effectual. That nothing could tend more to depress the spirit of the people, or encourage our enemies, than the notion, that the same men who had so uniformly disgraced us, and degraded the honour of the nation, as well as diminished and exposed to danger, not only the dependencies, but the very vital strength of this empire, were likely to be still further trusted to carry on a war, the most alarming that ever this country was threatened with. That as experience would make it impossible for the nation to have any confidence in the present ministers, after such repeated instances of folly, neglect, and incapacity, the removal of them could alone realize any offers of support, and revive the drooping spirit of the people; and that he was convinced this single measure would cause more alarm to our enemies, from the apprehension of the probable vigour and wisdom of our counsels, when trusted in abler hands, than all the warlike preparations we might make, if directed by the same imbecility which we had hitherto experienced, and they had so well availed themselves of. He was ashamed to see those ministers who had brought us into the disgrace of receiving such an insult, as that French paper was, should dare to be the people to lay it before parliament, and to tell the House that they were ready to carry on the war. Therefore he rose to second the Amendment, which expressed the sense of the nation. That these ministers ought first to be removed, before any step is taken. The French would not have dared to offer such an insult to any other ministry.

Governor *Pownall:*

I do not rise to defend ministers; the object of this day is much above all such considerations. I do not take into my estimation the pretensions of any set of men; and as to the present ministers, by an examination of their past conduct, which is to come under consideration in a few days, we shall be better able to judge how far they are to be trusted for the future. In the magnitude of this day's business, I will not mix, even in my ideas, any secondary objects. I am sorry that it has entered into or makes any part of, the ideas of my hon. friend who spoke last, because, as there is no man in the House for whom I have a higher respect, so there is no one to whose sentiments I am more disposed, on many occasions, to subscribe. But I see that some mistaken ideas of the state of this business has misled him. He thinks that this treaty has been under negociation (our ministers ignorant of it all the while) for two years past. From an exact narrative of the state of the business, he will see that the very idea of such a treaty has not been six months in existence; and the actual negociation not more than three months. As I never presume to assert

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any thing in this House, in which I am not grounded as to the fact or the truth; as I have never asserted any thing which the House has not found to be true in the event; so, upon such important matters as I shall now disclose, I will not do it without accompanying that which I shall assert with the actual proofs. And I the rather do it on this occasion, as I think that that state of this business, which my information enables me to give, is the best commentary on the nature and purpose of the French paper laid before us; and also does best point out the conduct we ought to hold in consequence of it.

In August last, the Americans, by their commissioners at Paris, began to press the ministers of France to appear avowedly in their favour, and to give them substantial and effective assistance. But these ministers, for various reasons of state, were deaf to these calls; they did not choose, by committing themselves in the alliance with America, to involve themselves in a war with England. They did not mean to give real support to America, nor to meet in arms the force of Britain. They wished, by remaining ostensibly neuter, to encourage Great Britain to go on in a ruinous contest; and, by privately assisting the Americans, to encourage them to go on in giving cause for such contest. They wished the continuance of the war; and to assist neither party further than to prolong it, and to widen the breach. On this occasion, and to obviate these ideas of false policy, the Commissioners from the Americans presented a Memorial to the Court of France bearing to this very point; of which I will read some parts:

"The court of France supposes that the war between Great Britain and the united American colonies will certainly continue for a considerable time longer, without any open interference on the part of France. But this supposition is even more fallacious than the former; the British government have every thing to lose, and nothing to gain, by continuing the war.

"After the present campaign, they will therefore doubtless make it their great and last effort to recover the dominion of America, and terminate the war. They probably hope that a few victories may, by the chance of war, be obtained; and that these on one hand, and the wants and distresses of the colonists on the other, may induce them to return again to a dependence, more or less limited, on Great Britain. They must be sensible, that if ever America is to be conquered by them, it must be within the present year: that if it be impossible to do it in this year of the dispute, it will be madness to expect more success afterwards, when the difficulties of the Americans' former situation are removed: when their new independent governments have acquired stability; and when the people are become, as they soon will be, well armed, disciplined, and supplied with all the means of resistance.

"The British ministry must therefore be sensible, that a continuation of hostilities against the colonies, after this year, can only tend to prolong the danger, or invite an additional war in Europe; and they therefore doubtless intend, after having tried the success of this campaign, however it may end, to make peace on the best terms which can be obtained. And if they cannot recover the colonies, as subjects, to admit their claim of independency, and secure them by a fœderal alliance. Therefore no means are left for France to prevent the colonists from being shortly reconciled to Great Britain, either as subjects or allies, but to enter immediately into such engagements with them as will necessarily preclude all others; such as will permanently bind and secure their commerce and friendship, and enable them as well to repel the attacks, as to spurn at the offers of their present enemy.

"It must be remembered, that the first resistance of the colonists was not to obtain independency, but a redress of their grievances; and that there are many among them who might even now be satisfied with a limited subjection to the British crown. A majority have indeed put in for the prize of independency: they have done it on a confidence that France, attentive to her most important interests, would soon give them open and effectual support. But when they find themselves disappointed; when they see some of the powers of Europe furnish troops to assist in their subjugation; another power proscribing their commerce; and the rest looking on, as indifferent spectators; it is very probable that despairing of foreign aid, and severely pressed by their enemies, and their own internal wants and distresses, they may be inclined to accept of such terms as it will be the interest and disposition of the British government to grant them. Lord George Germain, but a few weeks since, declared in the House

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commons, that his hope of ending the American war this year, was principally founded on the disappointment which the colonists would feel, when they discover that no assistance is likely to be given them from France. The British adherents in America will spare no pains to spread and increase that disappointment, by discouraging representations; they already intimate that France, equally hostile to both parties, foments the present war, only to make them mutually instrumental in each others' destruction.

"Should Great Britain, by these and other means, detach the colonies, and reunite them to herself, France will irrecoverably lose the most favourable opportunity ever offered to any nation, of humbling a powerful, arrogant, and hereditary enemy; an opportunity which no human wisdom could have produced, and which the most zealous of her patriots could scarcely have hoped for. But it is not simply the opportunity of reducing Great Britain which France will lose by her present inactivity; for her own safety, and that of all her American possessions, will be endangered the moment in which a reconciliation takes place between Britain and America. The King and ministry of Great Britain know and feel that France has encouraged and assisted the colonists in their present resistance; and they are as much incensed against her, as they would be, were she openly to declare war. In truth, France has done too much, unless she intends to do more. Without giving the colonists effectual assistance, it would have been better to have left them wholly unassisted. The British nation, naturally inimical to the French, is anxious for peace with America, that she may turn her arms against this kingdom; and at once gratify her revenge and her avarice. This is now the general language of the people, and of the leaders of the opposition. But any one, who reflects upon the preceding observations, cannot doubt but that whenever peace with America is obtained by Great Britain (whatever may be the conditions of it) the whole British force now on the continent of America will be suddenly transported to the West-Indies, and employed in subduing the French sugar-islands there, to recompense the losses and expences which Great Britain has suffered and incurred in this war, and to revenge the insult and injury France has done her, by the encouragement and assistance which she is supposed to have secretly given the colonists against Great Britain."

This Memorial was presented about the middle of August. It had no effect; but, on the contrary, as the French ministers saw that the distresses and apprehensions, which the Americans felt, began to press hard upon them, they took that occasion (profiting by their distress) to try to drive a hard and inequitable bargain with them, on the ground of their necessities. Instead of assisting them, they rather added to their apprehensions, by seeming disposed to give up their support. When the account of general Burgoyne's advance, and of his taking Ticonderoga, arrived in France; when the Americans had almost lost all hopes; the French wished to see them driven to despair. They reasoned, that, from necessity, the Americans must surrender their interests into their hands without conditions. On this occasion all negociation with France was at a stand; and mutual reproaches arising, had almost driven matters to an open breach betwixt the commissioners and the French ministry. The commissioners wrote to the Congress, stating their situation. Here, Sir, was a moment that Providence seemed to offer to the good fortune of this country. In this moment, communications of this state of things came to a very private and very inconsiderable individual; they were made to me, with direct explanations, that the Americans were willing to open a treaty with this country, for reconciliation and re-establishment of peace; and that although the acknowledgment of their independency was a *causa sine quâ non*, yet on that point, and on all such points, with which the affairs of America and this country were entangled, they would do every thing to save the honour of their parent country. In what I now disclose I betray no confidences; I discover no man's secrets; I am authorised and at liberty for all I say. The overture was made by communication of a letter, with explanations thereupon. The letter was dated Paris, 11th September, 1777. It represented, that "the French ministry still kept them" (the American commissioners) "by their conduct, in a very perplexing state of uncertainty; for although they continued to afford very considerable assistance, yet their caution to avoid a war with England seemed to be redoubled. That if the Americans urged them upon the subject, they shrugged up their shoulders, and said, the Newfound-

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and ships and the Spanish galleons were not yet arrived. The Americans saw that the Congress would undoubtedly be much disgusted at this conduct; and suggested in the letter, that if the English ministers had wisdom enough immediately to acknowledge the independence of America, there was good reason to think that such a treaty might be made with her, as would put Great Britain in a happier and more flourishing situation, than she could possibly arrive at by pursuing any other conduct; and as to the mere point of honour, America, they said confidently, would help them out in that matter. This opportunity, however, they feared would be irretrievably lost in a short time; as it was natural to think that general Burgoyne's temporary success would probably rekindle the frenzy which had begun to abate in England; the event, therefore, seen in this view, might be considered as equally unfortunate to both countries."

Overtures of such a nature coming thus to me, an unconnected individual, who had no communications with ministers, as such, nor any right to such communications, what was I to do, or not to do? I decided, in the moment, that the suppression of such an important communication would have been criminal to my country. And yet, Sir, as I would neither commit myself to any individual, nor be so unjust as to commit any person in employment by such a communication, I did not communicate with the minister; I did communicate this matter where I thought it most proper so to do; and by means of which I knew I should have an authentic answer. I said, that communications had come to me, by which I knew positively that there was now, in the present moment, an opportunity of opening a treaty with the Americans; but that an acknowledgment of their independency was a *causa sine quâ non*. I explained, however, that every method to save the honour of the mother country, which could be devised or proposed in the points and forms of business, would be adopted and accepted, so as to cover appearances; and even to aid ministers in the execution. Thus far I went in what I communicated; and said I was ready to go into a full explanation of the whole; but would make that only to cabinet council. I had my answer, "that the ground was inadmissible in the first instance." And there this matter dropped; and this one opportunity (such as can never happen twice) was lost for ever.

After this, in the latter end of September or beginning of October (so my information says; but I will not be positive as to the precise period) the American commissioners renewed their negotiations with the French ministry on a new line of treaty. They formed and communicated a project of a treaty, consisting of several articles, respecting commerce, and the necessary support and protection of it, if entered into. Several of these articles, I think eight or nine, were accorded to, (in November), as a kind of stipulation, or convention; but with conditions annexed, to be reciprocally expected from the Americans. This therefore stood *ad referendum*. Several copies of this project in convention were (Dec. 27), by different ships, sent to America; and in this state this matter remained before Christmas. May I be permitted here to refer myself to the House, and to ask, whether, after I had seen the Americans, through extreme pique at the conduct of the French towards them, and in despair of their own affairs, almost of the further existence of their cause; coming to England, and wishing once more to treat: yet when under circumstances by which they were reduced to the lowest ebb; when they had lost all hope in their own resources; when they despaired of any assistance from abroad; still refusing even to have propositions made towards the opening a treaty, unless on the ground of their independency; and when afterward I had known that they and the French had convened in articles and stipulations for commerce, which totally superseded our Act of Navigation; whether I had not ground for saying what I did before Christmas, when I first announced to this House, and perhaps to the country, "that our supremacy over America was gone for ever; and that our Navigation Act was abolished and abrogated;" and as to the particular state of the negotiations, had I not ground to say that they remained as a convention on a project of a treaty sent to America, but not signed, precisely as I stated it? I wish the fact had been attended to, and acted upon, at the time. It was perhaps even then not too late.

Although the French had continued thus to train on the Americans, and refused to sign any treaty; yet in the moment that the noble lord (North) brought forward, in this House, his idea of reconciliation between Great Britain and America; and that the French saw it was such

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as might be made the basis of a reconciliation; they immediately sent to the American commissioners, and at once told them, they were ready to make and sign an actual treaty with them, on the ground of the project which had been proposed. This is the treaty referred to in that paper which the French minister delivered to his Majesty's Secretary of State. This treaty, preceded by such conduct as the French held towards the Americans, before they saw that they had drawn themselves into the necessity of signing it; this treaty, into which the French have been precipitated before they really intended; does not alter my idea of the probability of our having even yet peace with America, if we will but take the way that leads to it, and the only one that is open. Nothing but the perverseness of our own conduct can cross it. We know that the Americans are, and must be independent; and yet we will not treat with them as such. We acknowledge it in our own acts, and act and enact under the influence of this idea; and yet we are not to recognise it in the only place where it can be of use, and where the crisis of our affairs demands it. So far as the measure of reconciliation has its basis in the acts which are passed, the legislature of this country has actually and in deed (however we may cover our shame in words) given up all right of government over the Americans. If government itself retains the least idea of sovereignty, it has already gone too far for that; if it entertains the least hope of peace, I say it has not gone far enough; and every step we shall take to put the Americans back from independency, will convince them the more of the necessity of going forward.

Look into the four great acts of their proceedings; slow, but in measured steps; feeling their ground before they set their foot on it; yet when once set, there fixed for ever. Their first great act was their Declaration of Rights, in 1774. The rights there "declared, claimed, and insisted upon," are incompatible with provincial, and inapplicable to any other than a sovereign independent government, having all the powers necessary thereto within itself. Their next great act of state was the deduction of their reasons for taking up arms in defence of these rights, published in a Manifesto to all the world. Can those reasons and allegiance stand on any ground of agreement? Can they and supremacy stand any where on the same ground? Their next act was the Declaration of their Independency; not suddenly taken up as an ebullition of enthusiasm, or in the bitterness of passion and revenge; but rather as coming on of course, by a train of events, linked together by a system of politics. This Declaration was not made till two years after the first Act, and not until July, 1776; and not even then until they were prepared for their next great Act, their Act of Confederation. After having renounced their allegiance to the crown of Great Britain, and all political connection with the nation; each province (thus become an independent community) formed and established (as an original act and compact of the people) their respective governments; and these, thus formed by a mutual and indissoluble Act of Confederation, have established a great republican empire; which, by principles of nature, and not of politics, necessarily sprung up from the ground whereon their affairs stood.

If these people, when they viewed their cause abandoned, as to all assistance which they looked to in Europe; when sinking, as to all appearance of what the utmost exertions of their own resources had done; when clouded with despair; would not give up the ground of independence, on which they were determined to stand; what hopes can there be, and from what quarter, that they will now, when every event of fate and fortune is reversed to us, and turned in their favour; when they feel their own power able to resist, to counteract, and, in one deplorable instance, superior to, and victorious over ours; when they see their cause taken up in Europe; when they find the nations, amongst which they have taken their equal station, acknowledging their independency, and concluding treaties with them as such; when France has actually and avowedly done it; when it is known that Spain must follow, and that Holland will—what hopes can there be, and from what quarter, that they will, all at once, pull down their own new governments, to receive our provincial ones? That they will dissolve their confederation? That they will disavow all their reasons for taking up arms? And give up all those rights which they have declared, claimed, and insisted upon, in order to receive such others at our hands, as supremacy on one hand will, and dependency on the other, can admit them to? It is nonsense, not even to be listened to! And as to that silly story of their having

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been willing to rescind their vote of independency, it has not even ground to set its foot upon. If they give up their independency, they must rescind their whole system, contained in the four great acts of state. That there was a period, in last autumn, when they deliberated whether they should wave the ground of independency, in order to get on the ground of treaty, is true; but the proposition itself went no farther than that; nor was that proposition adopted.

Although I am certain, that we shall never conclude any peace, or come to any settlement with the Americans, but by treaty with them as independent states: yet I do not think that parliament should immediately declare them independent. What I wish to urge is, that parliament should extend the powers of the commissioners, to the enabling them to treat, consult, and finally to agree, and acknowledge the Americans as independent; on condition, and in the moment, that they will, as such, form a federal treaty, offensive and defensive and commercial, with us. If the commissioners are not so empowered, they had better never go; their going will be a mockery, and end in disgrace. I say not these things to embarrass the business of the commission: on the contrary, I wish to give efficiency thereto, and to make plain the way of the commissioners. I hope nobody in the House will think I am acting this part, as though I was to be one of them. I most certainly shall not be one of them; yet I wish the business to have a good issue. Such we may have; we may have peace with America, if we will but once quit the ground of theory, and take that which lies open before us in fact.

Although the French, in order to take advantage of that time which we have lost, have, on a sudden start, signed a treaty with the American commissioners at Paris; it is not however yet ratified by the Congress in America. And if we do not lose more time, we may yet be in America with our propositions before it is ratified. If we do get there in time, and our propositions are such as I have suggested, such as come up to the point which the present crisis demands, I have every confidence, that we shall find in the Americans a preference and a predilection in favour of their old connections. Beside this, if every other part of the ground be taken equal, it will be more their interest to form commercial connections with us, than with the French; at least, to have, at the same time, such with us as they have with the French. In all the maritime towns of America, commerce is diffused at large; almost every man that keeps a store is a merchant; but of these, not five, I believe scarce one, in a hundred, understands one word of the French language. How are these, then, to carry on this French commerce? It must fall into the hands of the few who accidentally understand this language. The understanding French, not the having a capital; the having had French, not the having had commercial connections, must become the requisite qualification of a merchant. The many will say to the few: All this is mighty well for you, gentlemen; but it will not do for us; we can have nothing to say to propositions which must be impracticable to us. This, I say, will be the case, if we admit their independency; but if we do not, the great interest of the states will not give way to the private advantages of this or that set of merchants; and every other consideration will vanish before their zeal for independency, which they have fought their way up to, and will maintain.

Although I may appear perhaps to some to have made a long digression; yet I hope I have brought it to the point under consideration, and have shewn, that if we will take our measures according to the actual circumstances of our situation, which, I say, are not altered by the invidious conduct of the French, we still may have peace with America. The conduct of the French is a still stronger and additional reason why we ought to adopt this system: and every thing which has relation to our safety, honour, and even perhaps existence, requires that it should be adopted on the instant, directly, without losing one moment, or hazarding the cast of one single event; a hazard which is not within the rules of insurance to calculate.

If you do not adopt this idea of a fœderal treaty with an independent nation, let us see how the treaty will commence. The Americans will, before they begin any conversation towards treaty, demand, 1st, That the commissioners withdraw the troops. 2d, That they open the treaty as taking an equal station with the Americans, as one sovereign state with another. 3d, That they engage to reimburse them the expence which we have put them to; and to secure to them *dédomagement* for the losses which they have suffered. They know that we are not in circumstances to

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make either this reimbursement or *dédomagement* by actual payment of money; they will therefore propose that the commissioners engage to give up to them Canada, Nova Scotia, and the Newfoundland fishery, in lieu thereof; and this they will insist upon. This I know, and this I affirm. Now what answer can any of the commissioners devise to give to these demands? If they treat with the Americans as with revolted subjects whom they wish to reclaim, and whose peace they must purchase at any rate, they must either risk all peace in the very threshold, or agree to these cessions. On the contrary, the acknowledging the Americans as independent states debarrasses this business of all such difficulties; for what claim of any such sort can any independent state with whom you are at war ever have? Had any nation ever such? And did any ever make such? It is not only become necessary to our situation, and the state of things, that we should acknowledge in politics what does actually exist in event; but, *rebus sic stantibus*, it is become the wisest and most politic measure that Great Britain, respecting herself, can now take. Her Act of Navigation, which I must always distinguish from the acts of trade, which is an Act to encourage British seamen and shipping, will then give to British seamen and shipping those preferences and advantages which the American seamen and shipping have now the sole profit of; and she will not lose, in the profits of her own trade, more than she now incurs expence in protecting that of America. If this was the proper time for such discussion, I could shew this to demonstration throughout the whole system. If I could entertain an idea that any man in this House hoped to regain the dependency of America, I would shew what that dependency would be. It is enough now to say that it would be a delusive and a ruinous one to the interest of this country; and that the supremacy would become dangerous to the constitution of it. It is enough, perhaps too much, to have said and stated what I have done. I only throw it out to try the sense of the House. If they should so see their interest, as to think this measure a proper one, I should be ready to explain the whole, and to move it; nay, I am even ready now. I have a motion to that purpose in my pocket: but it is too much to be risked hastily. The only use, therefore, that I wish to make of the doctrine I have held, is, to convince the House, that the power and interest of this country is yet on safe and good ground, if we have the wisdom to take it; if we do not, it matters little what change we make of our ministers; or what commissions or commissioners we send to America. If we do adopt it, the measure will execute itself; and it signifies very little what ministers we keep, or whether there be any at all. Some gentlemen, I see, laugh. I remember the time, and a very critical one, too, in the last war, in actual time of war, when for several days there was no minister in this country. When, in the year 1756, I came over from America, with the plan and proposal of changing the object of the war, by making a direct attack on Canada, commenced by the siege of Quebec; I was in town for several days, without any body being able to tell me to whom I was to address myself. Mr. Fox was just then gone out, and no successor was as yet fixed upon. At last I had the pleasure to find that Mr. Pitt became the minister; and from that happy moment commenced the era of all the successes and glories of the last war. Now here, if an individual may be permitted to express his private wish; I should wish that the present ministers would advise his Majesty to take that same great man, now lord Chatham, to his councils, and to their aid; and that they would, as the ministry of the former reign did, lend him their majority. In the moment in which it was known that he had a lead in the councils, and the direction of the forces of this country, in that moment we should have peace in America, and should lower the haughty crest of France.

Thus much as to the state of our negociations with America. In my opinion, the state of the French negociation does not make any alteration in them. We never could have obtained peace without acknowledging the American independency; we never could have obtained any exclusive terms of commerce. The French treaty is not exclusive; and the ground is now open to us, if we are not too proud to tread upon it. If we lose no more time, we may now have just as good terms as we could before have had. And whether we do it at first or last, with a good grace, or grudgingly and of necessity, the event will be the same; we must finally acknowledge the independency of the free states. On the other hand, there is rather an advantage to be derived from this French notice; it may oblige ministers to think of

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such measures, and may justify them in adopting such. Although it might have been wisdom, prudence, and good policy, to have taken up, of their own motion, this measure; yet perhaps they would not have been so well justified in it as they will now be.

As to the apprehensions and fears, almost to the despairing of our safety, which my hon. friend has expressed; I own I do not feel these fears; and, with the leave of the House, I will tell him the reason. I shall say nothing to the state of our force or defence in Europe; I will speak only to that part which it was once my business to understand. The share I had last war in the plans, as well as execution of the measures in America, give me some right to speak with confidence; and I shall speak out without reserve. Those who never knew, or those who have forgotten my services, may see all that I say, and perhaps more, justified, by referring to the Secretary of State's office, or the Board of Trade.

Having lost those provinces which experience hath shewn we could neither govern, nor subdue, nor consequently maintain ourselves in, by the system we had adopted; I think, instead of being weaker, we may become the stronger, by the event. If we take such part of the troops as we have now in America, and so place them in Canada and Nova Scotia as to put those provinces out of insult, at least out of danger, we may certainly secure that point; and there can be no excuse if we do not do it. We shall be able to maintain ourselves in those parts of the dominion which we do possess, and can govern. The rest of the troops there, which are now employed to no effect, may be so much additional effective strength, which may be employed either offensively in the West Indies, or brought home for our defence here. The having lost the provinces on the continent, will become a more urgent motive to keep good guard over those of the isles. The ministers now will have it in their power to send a proper defence to the West Indies; and they will become the safer by our losses in other parts.

The great fleet, which seems at present totally useless and unemployed, may be so disposed, that part of it may be stationed to cover and defend the sea-line of our provinces, Nova Scotia and Canada and the fisheries; another part may be sent to strengthen our squadrons in the West Indies; while a third part should be formed in a squadron, consisting of frigates, sloops of war, and armed vessels, and stationed about the Bahamas, so as to command and protect the *débouchement* of our West India navigation; with orders to join either the North American or West India squadron, as the case may require. I say, Sir, taking up and concluding our American negociations wisely; allowing facts to be facts; and concluding a peace with the Americans as independent states; and then disposing of our fleets and armies in America, in some such arrangement as I have mentioned; we shall not only be out of all fear of the French, but we shall begin to find, that we have a more collected, stronger, and effective force, than ever we could have had under our former circumstances, and under our former system of administering them. In this confidence, therefore, passing by all idea of who are, or who should be, our ministers, which I am totally against mixing in this day's business; I am for the Address proposed, in every sense and feeling of the resentment it expresses.

Mr. *Conolly* said, he got up to state the dangerous and defenceless state of Ireland; and called upon the House to give their attention to that injured but yet faithful country. That when he spoke of the fidelity and loyalty of that country, and of its attachment to Great Britain, he must confine himself chiefly to the Protestants there; but that these Protestants, without assistance from hence, were so far from being able to give aid to this country, that perhaps they were not able to defend themselves. That upon a late very exact numeration of the people in Ireland, there were found to be 2,120,231; of which the Protestants were 677,804. That these Protestants were chiefly in the northern parts of Ireland. That in the southern provinces, should the French land any force that looked like being serious, or could be depended upon, there were at least 150,000 ready to join them.

Mr. *Mellish*. I must declare myself under an anxiety I never before have felt; ignorant of our real situation, ignorant of ministerial information; but determined to give my opinion on his Majesty's message according to the information before me. I little expected to have seen the time, when this House would tamely have submitted to the insolence of the House of Bourbon. Sir, this is a declaration of war, intended as such, and ought to be an-

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swered by us in the same stile. The Address moved by the noble lord appears to me to be framed in the office of a secretary of state, and not in that of the minister. It seems calculated for negociation, where France intended no negociation; and, consequently, where we should give a formal defiance to this insult. He then argued much on the weakness of France; said that we could borrow the principal sum, where they could get only the interest: in short, that we could raise six millions, where all the accuracy even of French financiering could scarce get 330,000*l.* from the people. That the nobility and gentry not in the army were against the war; the people detested it; and none but the army wished it. That their army, though great and respectable, had their enemies; perhaps Bavaria alone might employ them. That their navy made more figure on paper than at sea; and he did not doubt we should give as good an account of them as we had formerly done. That as to America, he remembered what a learned gentleman had observed some years ago; that there never was a revolution in which one fifth of the people were engaged: that the American army might have silenced the opinions of the more quiet men; but it was by no means a proof that we had no friends in America; and that he did not doubt, when the conciliatory Bills reached them, we should have more; and still more, when the inhabitants found their governors were giving them up to France. That he never called the Americans cowards; nor did he ever think them so; neither did he think them so brave as to wish to encounter unnecessary difficulties. That all men were equally brave, in proportion to their military education: that therefore Americans had one advantage, as a militia, over most nations, that they were instructed from children in the use of the firelock. That he trusted their sense would shew them the advantage of an accommodation with us. That when he heard some gentlemen propose the independency of the colonies, though he differed totally, he still did not say it ought not to be a subject of argument in the House. But that the House of Bourbon should dare to talk to this nation of the independency of our colonies, was what a British House of Commons would not formerly have borne. He was therefore dissatisfied with the motion of the noble lord, as negociating, not answering the insult. That, without entering into the question, how far ministers were or were not capable? he thought it always a dangerous experiment to change a ministry on the beginning of a war.

Mr. *Thomas Pitt* lamented the baneful influence which had for a long time pervaded, and still continued to prevail over the councils of this great country.

Mr. *Jenkinson.* However fate may have disposed the events of this war, it is on the ground, and in the principles by which it became necessary, a just war. There never was, on the most popular plan of government, a doubt, but that every part of the state should bear its share of the burthen of the state, as it shared in the protection. Although the Americans did not deny this; yet when they insisted that they ought not to pay any taxes towards the support of government, but what they paid in the profits which we derived from the monopoly of their commerce, they did absolutely refuse to pay in the way of tax or contribution; when this ground failed them, and they took the use of reasoning that this government had no right to tax them for those purposes, and put their resistance on ground that denied the sovereignty of the crown and the supremacy of the whole government, and set themselves in array to oppose those legal methods by which government had a right to enforce its authority and laws; then they went into direct rebellion, and this war on the part of this country, was a just war. When the country which felt itself almost sinking under the burthen of taxes which lay upon it, found those Americans (in bringing up and protection of whom, they had in two successive wars incurred such enormous expences) would not only not pay any thing in aid, but ungratefully denied, that we had done any thing on their account, or that they had any obligation to us for what we had done: that they now disdained our protection; and even refused to give quarter or shelter to the troops that the King sent there for their protection, and the maintenance of his dominions; that they refused all intercourse with us; prohibited our commerce, and finally plundered our merchants acting under our laws, and not contrary to any which they pretended to have. Then the apprehension of the merchant was first alarmed; then the manufacturer was at last, though slowly, provoked. The country would no longer sit tamely to bear the insult; all degrees of people arose in

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one unanimous resentment, and the war became a popular war: and therefore, Sir, I say this war with America was a just, and has been a popular war. Why it has not been a successful one, I will not now take upon me to say.

The want of success, and the length of its continuance, has at last brought upon us the insults and meditated attacks of our enemies, the French, who are become their allies. And it seems as if it was the duty of a good man, who loves his country, to paint our affairs (become thus indeed perplexed) as though they were desperate, and that we had not even the means of defence left to resist any attack which the enemy might make upon us here at our own doors. The force that we have in Britain has been represented as nothing. Now, Sir, I may venture to affirm, on certain authority, that, exclusive of officers and serjeants, we have now in Britain 17,300 effective men, rank and file. As to the state of our funds, the fall is not so great, as the means used by our enemies abroad, and our interested enemies at home, to sink them, ought to have made them. The time was critical and perilous. There was a call in more countries than ours for money on loan: greater calls were still expected; the very paper on your table would not have been presented at this very moment, had it not been the moment in which the French politicians and their advisers thought it would most affect the present loan. Instead of that effect, it has shewn the relative strength of our credit. The loan has even risen to-day; and I understand the first payment will be made.

But, Sir, credit, which is nothing but opinion, must from its nature be estimated as relative; having no absolute basis but trust. The question is not, whether I shall trust or not; but whom I had best trust. In this view of it, which is the real one, all the monied world had rather trust Great Britain, than any other power whatever. While interested and party people decry our credit, look at that of France. The French could not borrow above one million, and that loan is now 20 per cent under par. France, even in time of peace, has not been able to go on upon her peace establishment; and yet, under these circumstances, she has a marine to raise and form. In short, Sir, to speak out; it is not our credit alone, it is not the French credit, so much more than ours, that is sinking. This phantom of credit, whose whole foundation is trust and opinion, and which, by a mutual concurrence of that opinion and trust, has created funds, and become as money to the great trading maritime powers of Europe for so long a time, has now at last almost spent itself in its operation; and the great politicians of the world begin to look only to real force, supplied with real money; while the efficiency of the great maritime powers who have made their exertions on credit is every where at the highest pitch to which it can go, and will every day decline. The great military powers in the interior parts of Europe, who have amassed together great treasures, and have modelled their subjects into great armies, will in the next and succeeding period of time, become the predominant powers. France and Great Britain, which have been the first and second rate powers of the European world, will perhaps for the future be but of the third and fourth rate.

But it is not in the sinking of credit only that France is distressed: the spirit of free enquiry, and the effects of an extended commerce, have introduced a spirit among the French people that is wholly incompatible with their government. Contrary to all precedent, contrary to all ideas of that government; a reasoning has propagated, and even entered into some of the lines of business, that the *vingtieme* is a *don gratuit*, and that every individual has a right to judge of it. Besides this; one bad effect of the zeal with which they affected to take up the American cause, and which they now learn in earnest to have an affection for, has tainted their principles with the spirit of republicanism. These principles of liberty always diminish the force of government; and if they take root and grow up in France, we shall see that government as distracted and unsettled as any other. I do not, therefore, think we have much to fear from France. We may repose ourselves on the superior credit and actual strength of our own government, and ought not to suffer any insult to go unresented.

General *Conway* began by expressing the resentment he felt as a Briton, at the treatment we had received from France; and was sorry to see the state of humiliation this country must be in, when any nation had dared to conceive the idea of delivering such an insult. With regard to the danger that had been expressed we were in, from an invasion, and our defenceless state to repel any such, he did

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not see the case so dangerous as people had represented. He owned that Ireland was in a defenceless state; but he thought it impossible for ministers to see, and not take immediate care to provide a remedy. As to England, he had not the same apprehensions; for we had, including the militia, 33,000 troops with which we could take the field. Besides which, he did not doubt, but that when our country was invaded, our rights and liberties attacked, every individual would show the same spirit that the Americans had done: and he thought that a pretty strong proof how impracticable a thing it was to invade a free country, while the spirit of liberty remained in it; but though this was his idea respecting an invasion, he did not see that we were in a situation to carry on such a war as that we were now threatened with. What troops we had were mostly lost in a service where they could do no good: we had no allies to add to our own forces; and in this situation the force of the whole House of Bourbon was now united to the power of America. When we look back to the advantages which we derived from that force last war, was there a man upon earth who could think it possible, now that force was against us, that we could ever shew our face, or appear upon the seas? That our trade must be totally undone: that in short, there remained nothing for us but to try to regain the Americans. There was no other measure we could possibly take, but to immediately adopt the proposal thrown out by governor Pownall, who had proved to demonstration that there was no other method of having peace with America, but acknowledging them to be what they really were, and what they were determined to remain, independent states; and making an alliance with them as such. That peace with America was absolutely necessary; and every other idea of peace was only deceiving ourselves, and exposing the public to a hazard that must end in disappointment, if not ruin, to this country. That he thought he saw in the House a secret conviction of the truth and necessity of this proposition, which he hoped their good sense would ripen into some act on the present occasion; for if it did not, the opportunity would be lost; and we should be at last obliged to come into that from necessity, which we might now make some merit of. That he always thought, as things were suffered to go on, that this would be the ground on which we must make peace at last; and he had received great comfort from the proofs that the hon. gentleman had given that that ground was still open to us. And indeed, as a further proof, that gentleman had communicated to him, since he spoke, a matter that did absolutely confirm it; which was, that he had seen a letter of Dr. Franklin's, shewn to him by the person to whom it was written, since the signing the treaty between France and America; wherein he said, that if Great Britain would give up the idea of supremacy, and treat with the Americans as independent states, she might yet have peace with America. If that peace was necessary, as every body must see it was, what had we to do, but immediately to take up the idea that had been so fairly thrown out?

Lord *North* repeated his opinion relative to a resignation of his employments; and as the interest of the empire, no less than his own pride, required his continuance in office, he was determined not to quit the helm while the ship of the state was tossed about in a storm, until he should have brought her safe into port. He could not see any great foundation for the present alarms: if the stocks were now low, it was merely the effect of a sudden panic, the general concomitant of a dread of war. Since he had come into the House, he had received intelligence that the first payment of the subscription to the new loan had been made: the seeming backwardness to fill the loan was to be attributed to the largeness of the national debt, rather than to the approach of a war. Great Britain had always been so punctual in the payment of interest, that she never could want money. The dread of an invasion was a mere bugbear; and though such a thing were to take place, the nation had very little reason to be apprehensive for the consequences. Our navy never was, at the commencement of a war, in such a flourishing condition as at present; the new levies were almost completed, and would, together with old troops at home, form a body of 30,000 men for the defence of the kingdom. That the public might be the more at ease with regard to an invasion, his Majesty had resolved to have recourse to that constitutional measure, and call out and embody the militia. The insult offered by France was of the most disgraceful nature; his Majesty, in resentment, had recalled lord Stormont, his ambassador at Versailles; and as he knew that the honour of the nation was dear to every gentleman, so he trusted that

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there was not a man who would not risk his life and fortune to wipe off the stain that it had received; and that, consequently, no one would refuse to agree to the Address.

Colonel *Barré* said, if the noble lord had been a pensioner of France, he could not have acted more for the French interest than he had done. He recapitulated the several Acts brought in by his lordship against the Americans. Each minister, he said, had been guilty in his different department, but the noble lord had been guilty in all.

Governor *Johnstone* observed, that he always had been, and still was, against the independence of America. He always saw it in the light of imaginations and visions, which gentlemen here were pleased to amuse themselves with. It was not the idea of America herself. He was extremely sorry to see the idea adopted by gentlemen with whom he had acted; that if he found he had been acting with gentlemen who were ready to give up the supremacy of this country over America, and to acknowledge the independency of America, he would sooner cross the floor, and join those ministers, whose measures he had always disapproved, than continue to act with those who were entailing ruin upon this country.

Mr. *Henry Dundas* said, if there was no other help for it, and nothing else could be done, he should rather wish for the proposition thrown out by the hon. governor of forming a fœderal union, than losing America totally, or letting her fall into the hands of France. He did not chuse to part with America as an enemy. But as that time was not yet come, every measure should be tried first; and if it was unavoidable, we could but acquiesce in what we could not prevent.

Sir *George Yonge* said, Very well! you mean to come to that at last; and you now let us see you mean it.

Mr. *Aubrey* said, that since the noble lord in the blue ribbon had so strongly expressed his desire of retiring, which, it seemed, the dread alone of his successor's causing confusion in the state prevented him from, he begged leave to remind his lordship, that there was one great statesman, at least, (lord Chatham), who had neither forced the cabinet, nor ever scrambled for a place, but who had once already conducted our public affairs with the perfect unanimity of the two Houses, as well as with that of the nation at large. That he did not now mean to arraign the conduct of the noble lord, who must, however, allow him to say that his administration had been at least unfortunate. That he and his friends had had the management of the American war for three years; which had produced nothing but a series of disappointments and disasters; plainly shewing them not to be a match for America alone. How, then, would they resist the power of France, added to that of America? That war, under those circumstances, would be a state of despair. That, therefore, at so critical a moment, he could not help imploring the interposition of the noble earl he had alluded to. That the noble earl was not only looked up to by this country, but was so feared, as well as respected, by every foreign court in Europe, that his very name would more contribute to put a stop to the hostile designs of the whole House of Bourbon, than all the mighty preparations we had lately heard so much boasted of; or any, that, he feared, the present condition of this country was able to make.

The House divided upon the Amendment: Yeas 113; Noes 263. The Address was then agreed to.

The King's Answer to the Commons' Address.] His Majesty returned this Answer:

"Gentlemen;

"I return you my hearty thanks, for this very dutiful and affectionate Address. I make no doubt, that, assisted by the advice of my parliament, and supported by the spirit of my people, I shall, under the Divine Providence, be enabled to repel every insult on the honour of my crown, to maintain the rights of my subjects, and to defend all my dominions."

Debate on Mr. Fox's Motion relative to the Failure of the Expedition from Canada.] March 19. The House went into a Committee on the State of the Nation. The subject was the expedition from Canada. The papers being read,

Mr. *Fox* rose. He stated the plan of the expedition as wrong and impracticable; not being directed to any point, nor in any sense the right way. Though the minister of the American department (lord G. Germain) might say, and he understood did say, that he took the idea and the plan from general Burgoyne; yet he affirmed the contrary. The plan was not general Burgoyne's; it differed from general

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Burgoyne's; and wherever it did so, it blundered. This expedition was not a plan of diversion in our favour, but a diversion against ourselves, by separating that force which ought to have been united to one point, that of dispersing the rebel army; instead of which, it left general Howe too weak, upon the plan the noble lord suggested to him; and sent general Burgoyne, with a still lesser army, to a place where the enemy were much stronger. He said this only for argument, to shew that the measure was originally wrong in the design; and added, that he should move something on this point. But the matter upon which he should make his present motion, was that part of the execution which belonged to the minister, not to the officers. The principal and indeed sole design of sending general Burgoyne from Canada, was that of forcing his way to Albany, and making a junction with general Howe. This was a plan of co-operation, in the execution of which two parties were concerned, but orders were given only to one party; the other party was left ignorant of the design. This appeared from the minister's letters to the commanders, and from the commanders' letters to each other. It was intending two men to meet at one place, but giving orders to only one to go there; and then blaming the execution, because the other, who did not know he was to go there, did not meet him; but who, on the contrary, had acquainted the person with whom the orders lay, that he was going another way. Upon these grounds, he insisted, that the whole disconcertion and failure of general Burgoyne's expedition, was owing to either the ignorance or negligence of the secretary of state who had the direction of it; by which one of his Majesty's armies was totally lost, and in consequence of that, thirteen provinces were lost, to the utter ruin of this country. He moved, that the committee would come to three Resolutions, which were, in substance, That the plan of the Canada expedition had been ill concerted; that, from the measures adopted, it was impossible it should succeed; and that the instructions sent to general Howe to co-operate with general Burgoyne, had not been such as were necessary to insure success to the latter. After which, he said, he should offer a fourth resolution of censure upon lord George Germain.

Lord *Nugent* principally spoke to the impropriety of the enquiry into the state of the nation; it now appearing, as he had always foretold it would, to involve in it the case of absent men. As a charge was now brought against a noble lord, who was secretary of state in the American department, it must now be decided upon; otherwise he should move for the chairman leaving the chair.

Mr. *Macdonald* said, enough was now brought to shew there was blame somewhere: it was a fact admitted on both sides the House. One side laid the blame on the noble lord; and that charge he thought must be decided upon. But he begged the committee to recollect, that if it was decided that the blame did not rest upon the noble lord, a further enquiry remained to be made, Who it did rest upon?

Mr. *Joliffe*. The event of the expedition to Canada, has not only annihilated the idea of the conquest of America, but has lost an army of 8,000 men; has cost this country an infinite sum, and the lives of many thousands of its best subjects. It is the blackest page in the English history; it is a disgrace which this nation never can recover. But, dreadful as the consequence of this event is, and may be, much as this country must ever deplore a catastrophe so fatal, and sincerely as I wish the heaviest vengeance to fall on those who merit it, I think it would ill become the candour which ought to distinguish this House, it would even be a subversion of justice, were we to condemn those who concerted the plan, merely because it has not proved successful. The design cannot be judged of by the event. It would be an insult to common sense, were I to pretend that I thought the loss of Burgoyne's army was the effect of chance; or that this country would not minutely enquire and resent it. It is impossible to conceive 8,000 men reduced to the situation they are, without great fault in some one. I could have wished that this enquiry had been deferred; for, indisputably, it would be the highest injustice, it would be cruelty in the extreme, to extend your enquiry to the conduct of general Burgoyne. He even knows not of the subject of your deliberations. Whether his rashness precipitated this army into destruction, or whether his delays produced this unhappy surrender, we can come to no resolution. We ought not to suffer ourselves to form an opinion. To censure, or even to question, his conduct at this time, would be a breach of all the laws of justice, by which, every man ought

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to be present when he is accused. If, Sir, I am unwilling to condemn, or even to scrutinize, the conduct of general Burgoyne, it becomes me to be no less guarded in what I say of sir William Howe. Great guilt may rest with him; but there being no paper of importance relative to him before us, except the letter of lord G. Germain of the 18th of May, we must be silent respecting that great officer, until he returns to England. I shall therefore only submit to you my sentiments on the conduct of the noble lord at the head of the American department; and I hope to demonstrate, that the loss of this army can no way be attributed to him; that the plan was not only practicable, but that it was necessary for him to adopt it; and that he contributed every thing in his power to ensure success.

At the opening of the campaign, in 1777, the attention of the whole nation was taken up by the intended junction of the armies, and thereby cutting off all communication between the northern and southern provinces. Every one approved the measure. I am warranted, therefore, in saying, that the voice of the whole country concurred with the noble lord; and had it succeeded, there cannot be a doubt of the most happy consequences. Unless the rebel army could be brought to a general engagement, skirmishes might protract the war, at a vast expence; and though successful, but little forward the conclusion. The reputation of general Burgoyne, the universal opinion of his skill and bravery, made him appear to the noble lord and to the whole world, as the fittest general that could be found for such an expedition. He solicited it by his letter 1st of January, 1777; by No. 9 he states his plan for the campaign. The nation called for it. The general solicited the undertaking; and himself forms the plan. The noble lord would have deserved every degree of censure, had he impeded, or even if he had not forwarded the attempt. I have no doubt he thought well of it; but had his opinion been contrary, it would be impossible to justify his resisting the calls of his country, and the solicitations of a brave and favourite general. The advantage of crossing the country was obvious; by this means all communications between the northern and southern provinces would have been prevented. Had general Burgoyne received the expected co-operation, the army under general Washington must have been reduced to the necessity of a general engagement. The advantages being infinite, had the event been successful, was not the minister warranted in attempting it? Would he not have been condemnable, if he had adopted any other?

Let us now, Sir, enquire, whether the Secretary of State complied with the requisitions of the general, and by every means in his power, promoted the success of the undertaking. No complaint having been made, that every necessary to forward the expedition was not afforded, I might be warranted in concluding that the general was supplied with every thing he could wish. But yet, let us examine that matter. General Burgoyne, by his thoughts on the war, expresses himself thus: I conceive the operating army, exclusive of troops left for the service of Canada, ought not to consist of less than 8,000 regulars, rank and file; the artillery, in the memorandums of general Carleton, a corps of watermen, 2,000 Canadians, and a thousand or more savages; the Canadians and savages were totally out of the power of the secretary of state; and he could only give direction to sir Guy Carleton, to provide them, if possible. All that was within the immediate power of the secretary of state were the regular troops, and the necessaries of the army. By the letter, 28th March, 1777, from lord G. Germain to sir Guy Carleton, he is required to put 7,173 effective men under the command of general Burgoyne, and 675 under the command of col. St. Leger; making together 7,848. It was hardly possible to be nearer the number; and I defy the most determined persecutor of ministry to say, this event was owing to the want of 150 men.

By the letter from lord George to sir W. Howe, 18th May, 1777, he has these words: "the King trusts, whatever you meditate may be executed in time to co-operate with the army ordered to proceed from Canada." This is a proof that co-operation was expected by all parties. Could the minister do more? Will any man conduct your affairs, if he is to be accountable not only for the expediency, but for the success, of every measure? A general of the greatest military skill, executing a design of his own suggesting, commanding the number of troops he required, supplied with every necessary his imagination could suggest, supported by a co-operation of the armies, so far as the minister is concerned, could there be a

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fairer prospect of success? Could the minister imagine that sir W. Howe would not give his assistance; or that general Burgoyne, finding himself disappointed in that expectation, would still persist, and not secure a retreat? The general speaks of his peremptory orders; they passed through sir Guy Carleton; and express, that general Burgoyne and col. St. Leger are to be put under the command of sir W. Howe; and until they receive order from him, they are to act at discretion; but they are never to lose view of their intended junction with sir W. Howe, as their principal object. They are to act at their discretion—is that peremptory? They are to have in view their junction with sir W. Howe; but until that junction is established, they continue to act as their discretion dictates. But, Sir, had the orders been the most peremptory that language can convey, they could not have been compulsory, when dangers and difficulties arose which could not be foreseen. Orders are given according to the appearance of things at the time they are issued; they cease, therefore, to be peremptory when affairs totally change. No general would undertake an expedition, unless something was left to his discretion. Orders must be conveyed in general terms; and must be applied according to the intention of those who give them: they can be no otherwise interpreted, than to regulate that which is inconsistent with the general plan, and dangerous in itself, and to adopt such a line of conduct as shall most conduce to the end proposed. What was the end proposed by this expedition? By crossing the country, to produce a junction of the armies. The general's duty, therefore, was to obtain the end. The mind of man cannot furnish a reasonable ground to conceive that, at all events, however the face of affairs might change, let what difficulties might arise, let a situation be supposed, in which it was impossible for his army to escape being cut to pieces; yet that he was to proceed at all hazards. Such an interpretation would have destroyed the intent of the expedition; and it is not possible to imagine, that the general could consider himself bound to obey such orders, though he had received them from the secretary of state. Much more might be said; but I should precipitate myself into a condemnation of those I do not wish to mention. The expediency of the measure is apparent, the practicability of it obvious, and the secretary of state appears to have done every thing to ensure its success. He appears to me, therefore, to merit the hearty thanks of his country.

Mr. *Henry Dundas* commented on the papers, with a view to shew that the plan was a wise one; that it was attended to in the execution with assiduity and ability; that it was a plan of junction of co-operation, not a junction of the bodies of the armies; and that the noble lord had given orders to every officer to attend to that co-operation.

Sir *Richard Sutton* thought the papers did not warrant the committee to agree to the proposed Resolutions, and that therefore they ought to be thrown out.

Mr. *Powys* thought there was an impropriety in the measure, because general Burgoyne was absent.

Lord *John Cavendish* said, it would have been better if general Burgoyne was present; but thought there was matter enough in the papers to justify the resolutions.

Mr. *Burke* supported Mr. Fox throughout.

Lord *North* said it was proper for him to rise, although the charge was not personal against him: as nothing was done by the noble lord, that had not the concurrence of all his Majesty's ministers, he must consider himself as included; and it was his duty to take his share in the crime, if any such was proved, and in the censure, if any such was passed.

Lord George Germain followed lord North exactly. Mr. Dunning said, the noble lord had promised to send to general Howe the same orders he had given to general Burgoyne, but he positively asserted his lordship never did send them.

After a long debate, the Committee divided: For the Resolutions 44; Against them 164.

Mr. *Fox*, in great warmth, declared he would not make another motion; and taking the resolution of censure out of his pocket, tore it in pieces, and then went out of the House. As soon as Mr. Fox was gone,

The *Solicitor General* moved, "That it does not appear to this Committee, that the failure of the Expedition from Canada arose from any neglect in the Secretary of State." The Resolution was agreed to by the Committee, but was never reported to the House.

Debate on the Duke of Richmond's Mo-

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tion for withdrawing the Forces from America.] March 23. The House being in a Committee on the State of the Nation,

The Duke of *Richmond* rose. He began with enumerating the several benefits which had resulted from the inquiries of the committee, namely, the ascertainment of the state of the army, the state of the navy, the general expenditure in consequence of the American war, and a particular investigation of a part of that expenditure; he declared that he thought it was owing to the committee that ministers had so far been brought to their senses as to set about something like an attempt to accommodate matters with the Americans, and to prepare a plan, which, however inadequate it might be, was certainly a plan of conciliation, inasmuch as it gave up many of the most obnoxious points in contest. The main object he had in view, when he moved for the committee, was to lay a foundation for such measures as were most likely to promise respect and reputation abroad, and a re-union with our revolted colonies. The inquiry, so far as had yet appeared, went clearly to prove that our land force was totally inadequate to the purposes of either an offensive or defensive war; our trade had been most materially injured; such of our dependencies as we still retained possession of were in a most ruinous and defenceless condition; and our naval force on different sides of the Atlantic, he feared, was far from being in the flourishing state it had been so repeatedly described. He was happy, however, to discover, that our military force within the kingdom was much strengthened since the returns were made, on which, in the early stages of the committee, he had framed his resolutions. By the last returns on the table, it appeared that the old corps were become nearly complete, consisting of 19,000 men, and the new levies already amounted to 8,000, and would probably at a very short period be quite full, which would amount to an additional force of 15,000 men.

The public, he observed, were much indebted to a noble duke (Bolton), for that part of the inquiry into the state of the nation which he had undertaken, namely, the navy. His grace then mentioned the King's Message on the French ambassador's Declaration, and repeated, that he was sorry to see the Message couched in terms of warmth and anger, and still more sorry to see their lordships take up the business in the same style of resentment. More fully to support this opinion, the duke desired their lordships to look back to their own history, and see what had been done on similar occasions. Queen Elizabeth, the most zealous for the preservation of the national honour of all the crowned heads who had possessed the throne of these kingdoms, assisted the Huguenots with 100,000*l.* and 6,000 men, although the Huguenots were actually the subjects of France, and were then in open arms against their sovereign. A remonstrance took place, but no war ensued. The same princess, when in perfect peace with Spain, assisted the confederates with a large sum of money, who were then endeavouring to throw off the Spanish yoke; and, what was more, Elizabeth, in her notification of this fact to the Spanish court, expressly said, that she lent the confederates the money, and assisted them with the men, out of her love and affection to her good friend, the king of Spain, having no other view but to preserve the states for him, and prevent their throwing themselves into the arms of France. This pretext, his grace declared, was not much relished by the king of Spain; however, that monarch thought it prudent not to take any serious notice of it, and no war broke out between the two kingdoms for some years. His grace said, the treaty entered into between France and America was certainly a defensive one, as it stated that France was determined to protect her commerce with America; a matter so obviously the consequence of her treaty, that it was exceedingly unnecessary to have stated it in her notification to the King's servants, and he heartily wished it had not been stated. If we attacked France, America was bound in honour to assist her against us; and if we could not conquer America singly, when joined with France, there appeared to be but little hopes of our success: he begged their lordships, therefore, maturely to consider the consequence of a rupture with France, on the ground of the treaty; repeating, that commencing a war upon such a ground would not only confirm the independency of America, but put an end to all hopes of reconciliation with her on any terms.

His grace next came to a consideration of what was proper to be done in the present situation of affairs; and earnestly pressed the ministry immediately to put the nation into a respectable state of defence. He highly applauded the measure of calling out the militia; but many other

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matters were also necessary to be done. As the best way of learning what was necessary, he had looked back to the time of queen Elizabeth, and seen what measures were taken when this country was threatened with an invasion by the famous Spanish Armada. At that time we had an army of 40,000 men in the kingdom; and yet it was thought prudent to take a great variety of other measures for the public security. Engineers were sent down to fortify the vulnerable parts of the sea coast, forts were erected at certain distances, beacons put up in order to give signals to the army, the militia divided into different bodies, and marched to various parts to be ready at a moment's warning, and special directions were given to lay the country waste for a considerable extent wherever the enemy attempted to land, in order to check their progress, and to prevent their receiving any other subsistence but from their ships. Had any measures like these been taken? Had engineers been sent into the different maritime countries to mark out entrenchments, and to plan such sort of fortifications as the situations of the respective places made necessary? A general officer ought to be deputed to assist the lord lieutenant of every county; for a civil officer, however willing, however able in other matters, could not so well judge of the proper measures to be taken by an army as a military man, accustomed to service. Much remained to be done besides merely calling out the militia.

His grace said he should now come to the subject matter of his motion; which he said the necessity of the times called for so pressingly, that he hoped it would at least meet with no resistance from any one of their lordships. The want of frigates, in case of a war with France, was so obvious, that it needed no argument to shew the propriety of getting some of them home: indeed, without them we could do nothing; for notwithstanding there might be many large ships fit for sea at home, he was well assured there were not seamen enough in the kingdom to man our navy; the reason was evident—so great a number were now on board our fleet in America, and on board the innumerable transports there, which had been sent out partly to carry the army, and partly to victual that army. As a proof of the difficulty of procuring seamen, his grace said there had last week been an exceeding hot press on the river, when he understood no more than 500 were got, and of them a very large number were of necessity returned. Here the duke recurred to his former arguments respecting the independency of America; urging our acknowledging her independency, as the only probable means of accommodating our impolitic and destructive differences, and declaring that this country had still many friends there, who, upon our taking such a measure, would be furnished with a strong argument in our favour; and, by being enabled to convince their brethren that Great Britain had done every thing which throughout the quarrel they had said they desired, would, he doubted not, wean them from all thoughts of a connection with France, and induce them to make an honourable and lasting alliance with Great Britain. His grace concluded with moving, "That an humble Address be presented to his Majesty, to desire that he will be pleased to give orders that all his ships of war and land forces be immediately withdrawn from the ports and territories of the thirteen revolted provinces, and disposed of in such manner as his Majesty in his wisdom shall think best calculated for the defence of the remaining parts of the empire, in the difficult situation in which we are unfortunately placed; humbly beseeching him to take into his particular consideration the condition of England and Ireland, to repel a foreign invasion; and imploring him to take the most speedy and effectual measures for providing for the security of these kingdoms."

The Earl of *Sandwich* said, that there were many objections to the motion at this time; whether it might not be proper hereafter to adopt the measure recommended by the motion, was more than he could pretend to determine. He differed widely from the noble duke, as to the manner, as well as the time; for granting, in argument, that the troops ought to be withdrawn, this House was not the proper place to declare it. Such a measure, thus publicly recommended, might furnish the means to our enemies of defeating it; therefore, he should oppose it, on the ground of inexpediency, and move that the chairman do leave the chair. He was ready to acknowledge, that there was a great scarcity of seamen, though no means whatever had been left untried by him to remedy that defect. It might be asked, how it happened that seamen came to be scarcer now, than at any former period? He knew but one, which was what had

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been asserted in argument by several noble lords on the other side; that we had not, as on former occasions, any American sailors, those, including the prisoners taken by the American privateers, with the crews of those privateers, amounting to 18,000; which, if we considered that those men were employed against us, made a real difference of 36,000 men. He was still of opinion that we had ships enough ready for sea, but was ready to acknowledge that ships without men were of little service. With regard to the want of frigates at home, there was no denying it; they were wanted extremely: but would declaring that want to all the world make it less? He censured the observations of the noble duke, as to the declaration which his motion carried in it, that England and Ireland were not in a fit state to repel an invasion. Is it, said he, politic to state to our enemies where our coasts are vulnerable? Is it prudent to declare that we are unable to repel an invasion? And, if the fact were so, is it wise to court an invasion? His lordship declared that the declaration from France was insulting and offensive; that ministers would have been highly culpable, had they not shewn a spirit of resentment; but that nothing had been done on their part, since the receipt of the King's message, which wore the face of irritability, or could be construed into a design to provoke a war with France.

The Duke of *Richmond* replied, that the noble earl's speech confirmed, in so many words, almost every syllable he had said in behalf of the present motion. What, again, was the noble earl's repeated boastings relative to the formidable state of our navy come to? That we had ships, but that we could not procure seamen to man them—most melancholy tidings, indeed! The noble earl had thanked him for saying so little about the state of the navy. The reason of his being so short upon that subject was merely because the noble duke (of Bolton) who had managed the enquiry into the state of our navy a few days since, had gone so fully and so ably into the subject, as to leave him little or nothing to add upon it.

The only appearance of a national objection made by the noble earl, was, not against the motion in point of necessity, but on the ground of policy and expediency—the mode in which it ought to be carried into execution—under the impervious colour of secrecy and silence. His grace laughed at such mock caution; as if our fleets and armies could be ordered home, or to other stations offensive or defensive, without the previous knowledge of the French court. He called upon the noble lord at the head of the Admiralty to declare, whether our navy was in such a state as to protect our several dependencies; because, if it was not, most certainly it was alone a full reason for strengthening those parts which immediately called for protection. For instance, he would be glad to know, if our naval force in the East or West Indies was equal to the united force of France and Spain in those parts. If it was not, those places were at this instant at the mercy of these powers. He had strong reasons to believe, that the first blow would be struck in the eastern or western world. A considerable number of additional troops had been sent to the French West-India islands the year before last; and he was assured, by a person of veracity, lately returned from the East-Indies, that the French navy was much superior to ours in that quarter of the globe. The whole argument then turned upon the confidence ministers were entitled to. They have hitherto deceived us; they have brought us into our present lamentable situation; but they must not be directed or advised; because their past mismanagement, ignorance, blunders, and incapacity, is a sufficient pledge to us for their future ability to rescue us from the threatened ruin which is now ready to burst upon us. He concluded with complimenting a noble lord in a red ribbon (lord Amherst) on his being called into the cabinet; and congratulated the nation on the circumstance, as the most likely to promote its most essential interests. As he understood the noble lord would command the army in England, and would probably have the command of the forces to be employed against the enemy, if a landing should be effected; notwithstanding he had the highest opinion of the noble lord's wisdom, experience, and ability, he would take the liberty of giving him a piece of advice, and that was, not to suffer his judgment to be run away with by the vulgar idea of fighting the French the moment they landed, and driving them instantly back by a battle; but to consider that if a battle was lost, under such circumstances, the kingdom was lost; and that by wisely delaying to come to an action, he might, like another Fabius or Washington, prove the saviour of his country.

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The Duke of *Manchester* said, that men who had by their treachery to their country, or their blunders, plunged it into so calamitous a situation, ought not to be trusted a moment longer. His grace declared, that from the fullest conviction of what he now affirmed, he had been reduced to the necessity of standing in the odious light of a personal accuser; and had accordingly moved to address his Majesty, to intreat him to dismiss his servants, as no longer worthy of remaining in their public stations: that the same reasons which had induced him to make the motion still pressed upon his mind with additional force; for he could not entertain a momentary hope, either of reconciliation with America, of an honourable peace, or successful war with France, while those men, who had broken the ties of affection and duty which united America with Great Britain, remained in office; and he should conclude with an observation, often made, but of which every day's experience afforded some fresh proof, which was, the irresistible and all-powerful influence, which was sufficient to maintain such men in place, against the feelings and discernment, the hearts and understandings, of an insulted, disgraced, and, he feared, an undone people.

The Marquis of *Rockingham* said, though it had been asserted that our fleet now ready for sea was fully equal to the protection of our coasts and the channel; was it so in respect of our dependencies? Had we at present a force sufficient in the East and West-Indies? Or, besides defending our coasts, for convoys for the security of our trade? So far from it, that he had heard one of the East India directors lately assert, in another place, that the chairman had been instructed by the court of directors to apply to a noble viscount in high office, (Weymouth) by letter, stating their fears for the Company's possessions, and desiring an additional naval force: but the answer was, that none could be spared, or that none was wanting; and that but a very few days before the offensive Declaration. He was severe on lord Sandwich's affected secrecy and prudence relative to recalling the troops. Did the motion point out any particular destination for them? Were they to be ordered home to Europe, or did the motion express a wish of the kind? But supposing that it had, could the noble earl who moved the previous question point out the danger? The marquis said, he was well pleased to hear that a noble lord (Amherst) high in his profession, and who had performed such essential services for this country in the course of the late glorious war, under a Whig administration, was appointed to the command of the forces, and called into a situation to advise in his Majesty's councils, in all matters relative to his profession. He knew the noble lord was in principle a Whig, and he took the liberty of recommending to him, to be influenced by no extrinsic consideration, nor suffer himself to be thwarted or over-ruled, contrary to his own good judgment.

The Duke of *Grafton* said, the crisis was such as justified the interference of every honest citizen who had any stake to lose. The public were intimately concerned in the event of the present measures. Every thing dear to them, as men, or citizens, was committed. The consequences of those measures would decide whether they were to possess their liberties and properties. If ministers were continued in power, who had proved themselves weak, wicked, and detestable, the people were justified to call on that throne [pointing to the upper end of the House] for redress, for a dismission of such ministers, and for the punishment due to their crimes. It was the duty of the sovereign to dismiss such men. The nation was patient, he feared too much so, under the various ills they suffered; but the time would come, and he believed was not far off, when their resentments would blaze out with a vigour proportioned to their former forbearance and repeated provocations.

He would ask the most zealous friends of the present administration, if there was the most distant prospect of any one measure succeeding in their hands? Ministers were indeed honest enough not to pretend it. They had, in this instance, given one proof of their modesty and candour; they were silent. Are you able to conquer or conciliate America? Are you able to defend the several dependencies of the British empire? Are you more than a match for France and Spain in the European seas? Have you one ally on the continent of Europe? The answers to all this are reducible to a tacit No. They virtually reply, no, because they decline to answer.

His grace observed, that the language of the noble earl was the most extraordinary he ever heard. It amounted fairly to this: We have been mistaken in every opinion we formed in private or declared

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in public: we have brought our country to the brink of ruin: we confess it is not in our power to extricate it from the various calamities under which it suffers, and the much greater ones with which it is threatened; but we must remain in place, because somebody has said so. His grace next lamented the fatal effects of influence; whence all the public calamities had originated. The impropriety of displacing ministers without any proof of delinquency, was much urged both without and within doors. He denied that dismission implied guilt; it might imply incapacity, and that not always. Want of public confidence, not being able to command the hearts and purses of the nation, might be a good cause of removal. But this argument conveyed a very extraordinary idea; no less than that every man in office had a right to possess his place as a matter of property, and when displaced suffered an injury. This was a mode of reasoning he could never accede to. The emoluments of office were supposed to be given for public services in stations and offices: when, therefore, all further services terminated, there the claim likewise ended, and the party dismissed had no right to complain. He could speak from experience. He was once in a high responsible office himself; and maintained opinions both in that House, and elsewhere [in the cabinet]. Those opinions, perhaps, were not approved of. No matter whether or not; he was dismissed from his office: yet he never understood nor felt his dismission as an injurious act, or as conveying any imputation of guilt.

He was sorry to disagree with the noble duke, as to his sentiments respecting our conduct towards France; for let America be or be not declared independent, he looked upon a war with France as inevitable. He said, it had been reported for some days past that he was coming into administration, and to preside at the head of the Admiralty; he believed the report to be ill founded; he would answer that it was, so far as he knew; but if any such promotion was really in contemplation, he heartily united in opinion, that a seaman should always preside at that board; and expressed his approbation of filling that important office with the very able seaman (admiral Keppel), if his professional services could be dispensed with.

His grace concluded with saying, that although there was a general in the cabinet, and he hoped there would be soon a seaman at the head of the Admiralty; yet without a total change of men in the other high departments of the state, as well as system, no good was to be expected; we should still, he feared, have nothing but assertion one day, recantation a second, and despondency a third. A majority in cabinet would always have it in its power to defeat, counteract, or over-rule the best digested plans, and the wisest measures; consequently, till the present men were removed from a possibility of doing mischief, we should continue to be governed by a succession of pitiful expedients, no less weak in their texture, than disgraceful and fatal in their consequences.

Lord *Lyttelton* said the state of public affairs was very alarming. Ireland was in a weak and defenceless state, and England far from being so well prepared as he could wish. Our affairs in the West Indies were truly deplorable, and in the East equally precarious, if not more so; and he corroborated this assertion by informing the House that he had been informed by a French officer lately returned from the isle of Mauritius, that when he left that place, there were no less than 8,000 regular troops there and at the isle of Bourbon; a circumstance which was in his opinion sufficient to convince their lordships that France meant, in case of a rupture, to attack us in that quarter of the world. He observed every thing on the part of France denoted hostilities, and that if we were abject enough to put up with the insult, it was now too late to recede. After giving this side of the picture, his lordship held up the reverse. The noble lords on the other side, he observed, had expressed their fears of an invasion, as an event likely immediately to take place, yet however they might differ in other respects, Whig and Tory he was certain would unite on such an occasion; they would be unanimous in opinion, that if the French landed, they should be instantly attacked; and he did not doubt but they would readily hazard their lives and fortunes in the attempt to repel that foe who should have the temerity to invade Great Britain or Ireland. He could not hear, without some degree of astonishment, the language held by a noble lord in administration (Sandwich) which fairly imported, that we were not in that state of naval strength and preparation, of which his lordship had given so many repeated assurances to that House. He did not doubt but we had a great and respectable navy: but he did hope, that

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his lordship would verify what he had so often said, that our navy should be at all times, at least equal, if not superior to any force France and Spain united could be able to send against us; or that we should be always prepared, in the language of the noble earl, to cope with the whole power of the House of Bourbon.

The noble duke who made the motion, founded it chiefly on the supposition, that America would not treat with us, but adhere to their vote of independence, and the measures necessary to form themselves into so many independent states. He, for his part, thought otherwise. The colonies two years since, it was insisted by the noble duke and his friends, would have acceded to terms short of those held out by the Conciliatory Bills; and he saw no reason why, if the assertion was true then, that it should not be so still. Another reason assigned by the noble duke, for urging the necessity of withdrawing the troops, was, that they would be wanting at home to defend us from an invasion; he believed that would be the last desperate experiment France would make. This bugbear had often been held out *in terrorem;* but now, at the end of a century, since this idea began to prevail, no instance of such an attempt had happened.

The Earl of *Effingham* pointed out the necessity of strengthening Canada, both on account of the disposition of the inhabitants, the weakness of the King's forces in that province, and the formidable power of the New England colonies, who could penetrate into it at pleasure, and without the least resistance. He lamented the state of the West India islands, which must, if attacked, fall an easy prey, as well as our new settlements on the Mississippi. To those very important objects he recommended the attention of administration.

The Committee divided on the motion that the Chairman leave the chair: Contents 56; Not Contents 28. The House being resumed, the duke of Richmond's Resolution was put and negatived.

The King's Message for calling out the Militia.] March 23. Lord Weymouth presented to the Lords the following Message:

"GEORGE *R.*

"The French king having concluded a Treaty of Amity and Commerce with his Majesty's revolted subjects in North America, and his Majesty having received advice, that the warlike preparations in France become every day more considerable, his Majesty thinks that, in this critical conjuncture, he should not act consistently with the care and concern which he always feels for his faithful people, if he omitted any means in his power that may contribute to their defence: therefore, in pursuance of the acts of parliament enabling his Majesty to call out and assemble the militia, in the cases therein mentioned, his Majesty has thought proper to make this communication to the House of Lords, to the end that his Majesty may, if he shall think proper, cause the militia to be drawn out and embodied, and to march as occasion shall require."

A similar Message was presented to the Commons by lord North.

Debate in the Commons on the Bill for employing Convicts on the River Thames.] Lord North moved to bring up a Bill to continue an Act of the 16th of his Majesty, for employing convicts on the river Thames.

Mr. *Burke* observed, that he feared the time would come when we should put prisoners and felons to death on the principle of œconomy.

Sir *W. Meredith* disapproved of the mode of punishment; said it was much more severe than transportation, and totally repugnant to the general frame of our laws.

Mr. *T. Townshend* said the Act had not had the desired effect, for robberies were increased instead of being diminished; that in the course of the winter every day furnished a fresh account of some daring robbery or burglary; and that scarcely a night passed in which there were not robberies committed in Park-lane, and firing of pistols heard.

Sir *Richard Sutton* said, they robbed equally before as since the Act. He mentioned particularly the robbery of Mrs. Hutchins at Chelsea, and the horrid murder committed at Enfield.

Mr. *Gascoyne* said, he had been to see the convicts at work: that their punishment was far from severe; that though it was called hard labour, they did not do as much work in a day as might be done for hire for 9*d.* and added that they were too well fed; and were well off, for people went in thousands and gave them money, particularly ladies of the town, who, as they got their money easy, were known to be generous. He said, that Dignam was

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at first dashed, and wore a broad hat, flapped, to hide his face, and did not like the wheelbarrow, but now wears a small hat, cocked, did not seem ashamed, and attended his work like the rest of his brethren. He said some of them broke away from their keepers, and as soon as they got loose, fell to their old trade of robbing and housebreaking. The worst of their punishment was a want of room and air, which made them liable to illness and distempers.

Mr. *Gilbert* said, the Act was meant as a temporary law, and as such he was for continuing it, till something else was substituted in its place.

Sir *C. Bunbury* said, it was a much more severe punishment than transportation: we still possessed several places in America, to which felons could be transported.

Mr. *Whitworth* said, he had been aboard the Justitia, and had conversed with the manager, who confessed the prisoners were very sickly, unless where the pitch and tar operated as a preventative.

Mr. *F. Montagu* was for sending the Bill to a committee. He said, he expected a Bill upon a much larger plan; but in the mean time, if that should not be practicable, he thought the present Act ought to be continued.

Mr. *Burke* said, the felons ought to be transported to Canada, Nova Scotia, and the Floridas.

Sir *Richard Sutton* moved for a committee to inquire into the measures which had been adopted for carrying the Act into execution. This was agreed to, and lord North's motion withdrawn.

Mr. Burke objects to the Charge for Scalping Knives, &c. in the Army Extraordinaries.] On the motion for agreeing with the Resolution of the Committee of Supply, that 1,406,923*l.* be granted for the Army Extraordinaries,

Mr. *Burke* moved an Amendment, by adding these words, "saving and excepting the sum of 160,837*l.* which appears, by sir Guy Carleton's accounts, laid before this House, to have been expended for the carrying on of a Savage War in a manner contrary to the usage of civilized nations, against the English colonies in North America; excepting also the sum of 16,000*l.* which appears to have been expended for the same purpose in the southern department of Indians; excepting also the sum of 5,000*l.* which hath been expended in carrying on a war of insurgent negroes against the inhabitants of the province of Virginia; and excepting whatever hath been paid out of the said extraordinaries, specified in general Carleton's correspondence, for 100 Crosses, and five gross of Scalping Knives, the said expenditure being disgraceful to religion and humanity." He said, that his reason for doing so was, that he hoped an English House of Commons would never consent to pay this sum, which had been advanced to purchase hatchets, tomahawks, scalping-knives, razors, spurs, &c. for the savages of America to butcher, torture, scalp, and massacre old men, women, children, and infants at the breast.

The House divided on the Amendment:

Tellers.

Yeas	Mr. Baker Mr. Powys	21
Noes	Sir William Gordon Mr. Robinson	56

So it passed in the negative.

Debate on Colonel Barré's Motion for a Committee to enquire into the Public Expenditure.] Colonel *Barré* rose. He began with observing the enormous sums which had been granted for army extraordinaries for the three last years, and how shamefully they had been squandered. He read the sums granted; the detail of each year's expenditure; the particular services; and the persons who had performed the contracts. He said, when the first extraordinaries of 800,000*l.* came before that House, in 1776, he endeavoured to get explanations. The answer was, We have no vouchers; those cannot be had till the next year. We have as yet procured no more than an account of the sums issued, to whom issued, and the services for which they were issued. All these are not vouchers to the House; the vouchers shewing in what manner the money thus issued has been expended will come the next year. So it happened, he said, the following, and so it has happened this year. This House has each successive year been told, that they are to have the vouchers of the preceding; none have been as yet produced; but the noble lord, after his repeated and solemn promises, has thought proper to keep the parliament and nation in the dark. The same confidence, he might call it shameful confidence, and delusion on one side, and the same shameful and traitorous servility on the other.

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He said, it was not even the money that was thrown away; but that that was permitted to lie in the hands of favourite placemen, favourite agents, and favourite contractors. In some instances, this money was permitted to lie in the hands of men, answering to those several descriptions, for 15 or 20 years, while this ruined distressed nation was borrowing money at upwards of 5 per cent. He remarked, that a thousand lame apologies were made day after day; such as, that there were not clerks enough in the auditor's office. Why not have clerks enough? Such, again, was the shameful pretence in the navy-office, that they could not undertake the hiring the transport victuallers. Why not employ additional clerks, surveyors, &c.? But these were mere flimsy pretexts to blindfold the nation, and prevent them from discovering the iniquitous jobs that were daily carrying into execution. If clerks, surveyors, and commissioners were wanting, and that the precious agent and contractor, Mr. Atkinson, was able to supply them all, in his own person (that, for aught that appeared, being the case), why not employ this worthy gentleman to audit the accounts? He next turned his attention to Mr. Gordon, the inspector of provisions at Cork, who had *only* at the rate of upwards of 10,000*l.* a year for his trouble, for what might be as well, he would not say better, executed for half so many hundreds. But he was apt to suspect that poor Mr. Gordon had not all the profit set up to his account.

The colonel next proceeded to state the expences of the respective years of the late glorious war, and compare them with the first, second, and third years of the present disgraceful, ruinous, and inglorious war; and proved, that when we had more than half Europe to contend with, our expences were not near so great. Where was the balance? What our conquests? Where were our prizes? Where were our victories? We had been beaten, defeated, or baffled, in every attempt. We had spent, or would spend, by the close of the present campaign, upwards of thirty millions; and, to fill the measure of national calamity, we were on the eve of a war with France and Spain, as well as America. Here he took a more particular view of agents, contractors, splitting of profits, &c. particularly of the contracts and agencies of Harley and Drummond, on the Spanish, Portugal, and British gold coin; and the self-denying Mr. Atkinson, relative to his rum contract, and agency for the line of transports for the treasury. He contended, that the rum contract was full 50 per cent. too much; that the transport service, including the commission, was a loss of 20 per cent. to the public; and that the contract for remitting money, and accepting bills given to Harley and Drummond, would be a waste of public money, little short of 30,000*l.* The rum contract had been referred to three merchants of the first reputation in the city, by the treasury; the result of which was, that after the merchants had made the most ample allowance, there remained an excess of profit or douceur, for somebody, of full 30 per cent. He supposed, a reasonable share to the contractor for his trouble and risk. He said, it was well known that the price of rum in the island is seldom more than 1*s.* 9*d.* the gallon; that 5*d.* for profit and freight was a great allowance; but did not wonder that great sums had been devoured by contracts, when the noble lord in the blue ribbon was so criminally ignorant as not to know currency from sterling. But, surely, if the noble lord was ignorant of the difference, was it not culpable in him and his colleagues at the treasury-board not to enquire of some person who was capable of informing them on the subject?—

Lord *North* rose in great warmth. He said, he was pretty sure it was sterling; but gentlemen cried no; and he, to humour them, acquiesced, though afterwards, upon enquiry, it proved to be sterling, and that he was right.

Colonel *Barré* reprehended the noble lord severely for his disorder, in a strain of irony. The noble lord, said he, seems to be in a passion. I am not surprised at it. I should be surprised if he did not feel; but only mark his lordship's philosophic command of temper, he has not been the least disorderly in interrupting me; not in the least disorderly, to be sure.

Lord *North* rose again, and was proceeding in a high tone, when he was called to order. Continuing still on his legs, the cry of Chair! chair! succeeded. The Speaker told his lordship, that the proper time to reply, would be when the hon. gentleman had sat down.

Colonel *Barré* resumed. He said, the motions he meant to propose might seem rather new, because not lately practised; but there were nevertheless several precedents in the Journals in their support, particularly in 1653 and 1667; and in

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1694 and 1697, as well as several others. He next observed on several other parts of the account. He said, there was the sum of 5,000*l.* paid to sir Thomas Mills for an office enjoyed in Quebec some years since. He could not possibly see how this sum happened not to be paid before. He said, 23,000*l.* were charged for carrying on war against the Caribbs. He had enquired of several gentlemen, who had property in the island of St. Vincents, who had heard nothing of any war existing in that island since the last troubles. He said, in Messrs. Harley and Drummond's account, there appeared a want of vouchers for 80,000*l.* That there was a charge of 108,000*l.* for sheep, and for cabbages, and other vegetables, exclusive of another monstrous charge for sour crout; besides the enormous sum of 40,000*l.* paid to lord Cornwallis without account.

He said, that the last war in America, commissioners had 10*l.* a day; but now they were paid at the rate of 100*l.* a day. He said, that America, perceiving our luxury, dissipation, and extravagance; and seeing us immersed in corruption, resolved to separate from us; and he was well assured, that that was one of the motives for her erecting herself into a separate and independent state. His reflections were very severe upon ministry in general, and pointedly so upon lord North. The colonel painted in the strongest colours, our gloomy prospect; said that Bristol had already felt the fatal effects of this war; that Liverpool had done the same; and that London itself was so oppressed with the misfortunes of it, that she had not courage even to complain. He quoted Raynal, that if the English ever have their manners so corrupted, and their principles of liberty so changed, as to attempt to put fetters upon the colonies, they will soon become slaves themselves; that all Europe used to look upon England as her pride, but that she now turned from her, and cherished that pride in the West, that phœnix rising out of our ashes.

He observed, that the noble lord had the drum beat in that House, and the standard of war hoisted against America; and looked upon none as his friends but such as enlisted on the terms of compelling America, by the point of the sword, to a surrender of her liberties. The noble lord's power was great, and his means of preservation greater; but they all proved too weak for that resistance which a spirit of freedom, and legal and constitutional liberty, inspired. He concluded, by strongly recommending public œconomy; that dissevered as the empire was, we had no right to the expensive pomp belonging to a great state; that we were become a little one; that we should œconomise the little we had left; but that the very men, who had brought us to this situation, would probably that very night reject the means of doing it. He then moved, "That the Accounts of extraordinary services incurred and paid, and not provided for by parliament, which have been laid before this House in the years 1776, 1777, and in the present session, be referred to a Committee, to consider and examine the same; and to report their opinions thereupon to the House."

Lord *North* said, he was still right; for it was not currency, but sterling. If he had been ignorant of that circumstance, he did not expect to hear it imputed to him as a crime. He said, if governors abroad drew bills on the treasury, how could it be helped? They had no money there, and money must be expended in building barracks, forts, &c. and in raising defences within their respective governments. They must account for what they had drawn; and though they had overdrawn, the present was rather too delicate a time to protest their bills. He had no objection to the proposed committee, but should wish not to have it above stairs; because he could not attend there, on account of public business; but if in the House, could and would attend, and should wish to know before-hand, to what heads of expenditure the hon. gentleman meant chiefly to direct the enquiry, that he might be enabled to give a proper answer.

Mr. *Cornwall* said, the estimates were formed above 100 years ago, and that all the materials used in ship-building, repairs, stores, &c. were increased treble in the value. This circumstance would fully account for the extras, and the great increase of the navy debt. He said, accounts were confused things to look into; but the treasury had done every thing that could possibly have depended upon them, to inspect and regulate them. Ever since he sat at the treasury-board, he disliked governor's accounts; but what could be done? He thought it extremely improper to refer the rum contract to the merchants, without telling them the real price of the rum: instead of which, they fixed an arbitrary value on it, much below the real

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price, which was the reason that all their deductions were wrong. He added, that public affairs could not be transacted with more care and attention than they were at present; that therefore he could not see the least occasion for adopting the method proposed; particularly as the contractors would refund to the treasury what they had taken beyond a fair price, and that the treasury would look to that and receive it accordingly; that the nation was not, at present, in a proper temper; and that this would only add to the calumnious spirit of the day.

Governor *Johnstone* observed, that the very reasons assigned by the hon. gentleman who spoke last, were the strongest that could be possibly given in favour of the enquiry into the public accounts; because he had acknowledged that the accounts were intricate, and difficult to liquidate. The treasury had been greatly imposed on in the rum contract, and he believed knowingly so; for if they had made enquiry, they would have found that the current price of proof rum in the islands is 1*s.* 11*d.* and 4*d.* or 5*d.* at most, was fully sufficient for freight, leakage, &c. and was what any fair trader, or honest man, would be fully content with. He ridiculed lord North's self-sufficiency, in objecting to its being a secret committee, laying so much stress upon his own presence being essential to the carrying on the business in it; said, that for his part, were he to judge of the effect the noble lord's presence would have upon any future business, by what it had had upon all past, he should wish his absence from the committee. The situation of the affairs his lordship has hitherto had the immediate management of, was but little inducement for the House to give much weight to the objection made by him to the secret committee.

Mr. *Aubrey* thanked the hon. gentleman who made the motion, to whom he was sure the House in general, and every country gentleman in particular, was much obliged. The papers on the table abounded with such instances of extravagance, that it plainly appeared there was no other method of checking the profusion of ministers, but the one moved for; that not to comply with the proposed enquiry, would be a breach of the trust reposed in us by our constituents; that if it was put off, not only the present ministers, but all future ones, would regard it as a declaration, that impunity is a confirmed privilege of office; and that the rapacious contractor would receive it as a licence for plunder; that the valour of our officers and soldiers could not alone save the country; that there must be a strict attention to the application of public money; that without this, even another Marlborough or another Wolfe would not avail us; to use the words of one who was a great statesman, as well as a great poet,

"In vain doth valour bleed,
"While av'rice and rapine share the land."

Mr. *Jenkinson* said, he was for the motion in part, but against the opinions of the committee being reported; that upon condition that the motion was amended according to that idea, he should vote for the select committee. He said, he knew the Treasury-board was always very exact in making enquiries before it entered into any contract; and made no doubt but the board had been equally circumspect on the present occasion. He said, he did not think this a proper time for the committee of accounts. The House was not in a temper to go into such a tedious, difficult examination, and it might be productive of great mischief, by disseminating ill-founded charges, calumnies, &c.

Mr. *Burke* replied, that to appoint the committee would be the best means of preventing calumnies, and of refuting ill-founded reports. The calumnies, if they deserved that appellation, were already spread; enquiry, leading to a disclosure of truth, was the surest way to detect falshood. If I had to do with a man, said he, who suspected me, and I was conscious of my own innocence, I would desire, I would intreat; and, if I could not otherwise persuade him to do me justice, I would, if in my power, compel him to examine into my conduct or accounts. He said, he differed in sentiment, as to the opinions not being reported from the committee, with the facts, but he did not afterwards insist upon his objection; said, that he could not see the great necessity there would be, for the noble lord's being present at the committee, or even the particular use there would be in it, unless to brow-beat some, and support prevarication in others.

Lord *North* said, he would repeat again, he had no objection to a committee, but not up stairs: or if the House liked a select committee better, he would be perfectly content.

Mr. *Harley* said, that the part of the public accounts relative to him, would take up very little of their time.

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Mr. Alderman *Bull.* Sir, during the late peace, administration paid off eleven millions of the national debt; the public, however, did not, nor could they perceive any advantage they gained by this reduction of the debt, the taxes continuing the same, until they were told, that if we should be again involved in a war, they would then be able to borrow the amount of the sum paid off, without laying fresh burdens upon the people. Sir, we have had a war, and how have these ministerial assurances turned out? Instead of fact, they were all delusion. The first moment supplies were required, new taxes were proposed: 2,150,000*l.* were funded the year before the last; for this small sum (compared with eleven million) fresh taxes were levied upon the people. The last year five millions were funded, and proportionable taxes were imposed. Part of the additional load of the present year, our task-masters have indulged us with the knowledge of. I must add a word upon the subject of the present unhappy war. My opinion has ever been the same; I think it founded in injustice, and executed in inhumanity. I hope the people will be roused to a contemplation of the perilous state in which they now are: there may not be a week between us and total ruin. We have lost America; our madness has driven her to independency; and that independency, in defiance of our resolves, I am confident she will support. Besides this, we have to lament, and ministers to answer for, the loss of many thousands of valuable lives, and many millions of money, which no success in such an iniquitous war can ever repay. These, Sir, are some of the fatal effects of the wisdom of the present ministers. Delusion has succeeded delusion, and disgrace has succeeded disgrace, till little remains to be added to the catalogue of our calamities. The hon. gentleman who made the motion has said, that the citizens of London are now so depressed, that they hardly dare complain; yet, Sir, though a citizen of London, I dare to give my opinion in this House, and in the hearing of certain noble lords. This opinion I have long held, and in which I am more and more confirmed by every day's experience. I am the more ready to declare this opinion, because I do most firmly believe it to be the opinion, not only of the minority, but the majority of this House also. I mean, Sir, that the great objects of the present administration, their aiders and abettors, are, and ever have been, to aggrandise and enrich themselves; to plunder, to impoverish, and to enslave the people.

Col. Barré's motion having been amended by Mr. Cornwall, by leaving out the words, "to report their opinion thereon," the colonel said, that from the select committee in 1773, much was expected and little came forth; that he should wish to withdraw his motion, rather than hang out to the public hopes of redress, and afterwards disappoint the public expectation, by being able to effect nothing, as the matter was to be decided in the House, where the parties concerned were certain of a majority.

Mr. *Stanley* said, he did not approve of the committee, because it implied a censure without a tittle of proof, that that censure was well founded.

Mr. *Bayley* repeated what he had often said respecting the rum contracts; that he had offered ministers better, or at least as good, rum, for half the price they had charged to the public.

Sir *George Yonge*, for the committee, said, that the papers on the table contained the charge, and that it was incumbent on those it might be supposed to affect, to endeavour to refute it.

The motion as amended was then agreed to. And a Select Committee of 21 was afterwards chosen by ballot.

Debate on the Earl of Effingham's Motion relative to the State of the Navy.] March 31. The Earl of *Effingham* begged to trouble their lordships with a few motions which he had drawn out, and by which the House would be enabled to ascertain the real state of the navy, and the mode of expenditure and application of the various large sums which had been voted for the different departments of the naval service. It had been already proved, that the public money had been not more liberally voted, than lavishly spent. It behoved their lordships, therefore, to look into the accounts presented to them with a wary eye, and by closely examining the several totals, to discover the propriety of each article of expenditure; to lessen for the future such as were larger than occasion required; and to put a negative upon such others hereafter as should appear to the House to be altogether unnecessary. This he considered as an act of duty highly incumbent on their lordships. It was, however, totally impossible for the House to acquit themselves either to their

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country or their sovereign, unless they called for such papers as would supply those manifest deficiencies which appeared scattered throughout those already on the table. The motions he was about to submit to their lordships, if agreed to, were calculated to supply that defect. His lordship then moved for: 1. An Account of the State of the Ships in his Majesty's Navy, as delivered to the Admiralty by the surveyor of the navy, in the latter end of the year 1770. 2. An Account of the Ordinary Estimates of the Navy from 1771 to 1778 inclusive. 3. An Account of the Number of Ships broke up and sold, together with an account of what they sold for, and also an account of the quantity of Old Stores, and the prices at which they sold. 4. An Account of the buildings, rebuildings, and repairs of ships and vessels over and above those charged in the wear and tear of the year 1777. 5. An Account of the amount of stoppages of 4*d.* per man per month, as chaplains in those ships, that have not borne chaplains. As soon as the first motion was read from the woolsack, the noble earl rose and stated his general reasons for troubling their lordships on the present occasion. He observed that we had been now three years engaged in a war with only part of our own subjects; and had failed in obtaining the objects for which we engaged in it; nay, he feared, had lost the country totally, and instead of subjects, or even friends or allies, had caused the colonies by our impolitic, unjust, and cruel treatment, to become our most implacable enemies. We had, besides, already incurred an additional debt of 23 millions, and were in the act of adding to that debt, even though we had no other enemy to contend with but America, at the rate of 9 millions per annum, as long as the contest should last. But if war was, as he feared it must be, the issue of the offensive paper delivered by the French ambassador, we might conclude, that instead of America alone, we should have France and America shortly to contend with; and it would be no great stretch of political speculation to say, that such an event might at length draw Spain into the quarrel, as an additional, and at such a crisis, a most dangerous adversary. In such a state of things, what was to be done? Our finances were already as low as they had been at any period during the late war. We must borrow and fund, the consequence of which would be a further fall of stocks. Where, then, were our resources? For his part, he could see none but in retrenchments.

His lordship proceeded to shew, that a conduct, the reverse of what he now recommended, had prevailed in almost every department of the state, since the commencement of the American war; and applied to the particular department to which his motions were directed, ever since the noble lord at the head of the Admiralty was called into office. He would make no special charge, but many things appeared highly blameable in the conduct of that board within both periods, including in the whole nearly eight years, both on grounds of a neglect of duty and increased expence, without even the trite plea of necessity. Enough, he was not backward to declare, to justify the strongest suspicions, that the business of the naval department, for some years past, had been made a matter of private jobbing, rather than of fair and open bargain and sale. His lordship compared the official expences which formed part of the ordinary of the navy, since 1770, with what it had been fixed by an order of the king in council, in 1727. He affirmed, that part of the ordinary appropriated for the payment of the civil officers, including the board, clerks, &c. amounted then to no more than from 34,000 to 38,000*l.* whereas at present, it was raised to 46,000*l.* If any more lords or commissioners had been added, if there had been any new officers created; if in short there had been any plausible pretence for such an increase, he should not have mentioned it, when there were so many other articles of so much greater magnitude; but the truth was, no such pretence existed; for instead of its being a gradual and natural increase of expenditure incurred, it was created all of a sudden. It was the work of a single year or single day. This increase of 12,000*l.* took place in 1773 without a single reason assigned. From 1727 to 1773 this branch of the ordinary continued at 34,000*l.* but in the latter year it suddenly rose to 46,000*l.* But even supposing the increase justifiable, the mode of doing it certainly was not. The former order could not be revoked by a lesser power than that by which it was made; and it behoved the noble earl who ventured to revoke it, as well to shew that such a revocation was necessary, as that he was sufficiently authorised to do it out of his own head. He said, he could adduce proofs of an earlier date, to shew, that the affairs of the navy always called for the inspecting eye of

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parliament. Among several others he mentioned the period, when prince George of Denmark, queen Anne's husband, presided at that board; that the expence then bore no manner of proportion to the present; and parliament frequently, both then and at several precedent and subsequent periods since the Revolution went into the utmost *minutiæ* respecting the state and condition of the navy.

His lordship from this part of the ordinary, proceeded to consider the sum total, which, he said, till very lately, amounted on an average to 200,000*l.* per annum; whereas, as present it amounted to the monstrous sum of 430,000*l.* a year, and was yearly increasing. This led him to take a comparative view of the four years lord Hawke presided at the Admiralty board, and either of the four years since the present noble earl's entrance into office, and endeavour to satisfy their lordships that there was a most rapid increase. From whence he drew this conclusion, that either the money voted for the naval service, had been most criminally lavished, or that our navy was upon a much more respectable footing than it had been at any former period, which was a circumstance he most ardently wished might prove true; but which from every thing that had hitherto appeared, he feared would turn out directly the reverse.

His lordship observed next, upon the whole of the expence of the navy, ordinary and extraordinary, independent of what was voted for pay, &c. This he classed under three heads, ordinary, extraordinary, and navy debt, which, he said, since the present first commissioner came to preside, amounted to ten or eleven millions, and a fraction, a sum nearly double to what had been granted for the same service, either the eight preceding years, or any other period of the same duration, since we had a royal navy; and equal to build 100 men of war of the line, and a proportionable number of frigates, from the laying of the keel, to the fitting of them for actual service. He did not include the sum granted by the House in the latter end of 1770, at the time of the rumour of an approaching Spanish war, which amounted to half a million more.

His lordship spoke of the constant repugnancy there was between the estimates of each year, and the actual expenditure. This, he affirmed, was a gross insult to parliament; was full of fallacy and deceit. He pointed out instances of money granted for the repair of several ships, though the same ships appeared again in the next year's estimate; and at the end of two, three, or four years, when the repairs or pretended repairs amounted to more than a ship of the same rate would have cost if she had been entirely rebuilt; her history was, that she had been broke up, or was sold, as totally unfit for service: so much for the expence of repairing the hull; so much for masts; so much for rigging; when perhaps she had never been in dock, nor had a single shilling expended upon her during the whole twelve months; but probably appeared in the front of the estimate of the ensuing year. After dwelling on these circumstances, he urged the pressing necessity, which, he trusted, all their lordships felt for the papers, comprized in his motions, and declared, that so far was he from wishing to call forth any information which might tend to acquaint France with what she was ignorant of, that he would cheerfully consent to have his motions altered in such manner as to avoid a possibility of any ill consequence.

His lordship next read a list of the several sums which still lay in the hands of the respective treasurers of the navy, since the commencement of the present reign, namely, Mr. George Grenville, lord Barrington, lord Howe, and sir Gilbert Elliot. These, he said, amounted together to a very considerable sum, and it was an instance of great neglect, or something worse, that at the end of 17 years, not one of these accounts had been liquidated, or finally settled. The whole amounted to 150,000*l.*, lord Howe's to 37,000*l.*, and sir Gilbert Elliot's to 113,000*l.*

On the third motion, that of the number of ships broke up and sold, and the prices they were sold for, he said, the Admiralty board were quite silent; the public having received no credit for their amount, though it had, from time to time, paid such enormous sums for their repairs. The noble lord at the head of the Admiralty himself, had frequently asserted, that a great many had been broke up or sold since he came into office; and as no notice had been taken of such sale or disposal, or the produce of what had been converted to other uses, he thought it especially behoved the noble earl to acquaint the public through the medium of that House.

Having gone through the several leading heads, on which his motions were

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founded, he took a general view of the state of the nation, and the critical and alarming predicament in which it stood; and affirmed that nothing could rescue us from the jaws of destruction, but rouzing the ancient, though for some time dormant spirit of the nation. Besides such a renovation of spirit, he could see nothing to assist us, but a rigid œconomy, and faithful expenditure of the public grants. He had heard, indeed, a great deal of the flourishing state of our revenue, and of our internal opulence. He sincerely hoped it might turn out true; but supposing it should, he was convinced that the people would never act with alacrity or energy under an administration, in whom, either in point of integrity or capacity, they could never be persuaded to repose their trust, whom they had on the contrary every strong ground to suspect of a shameful waste of the public treasure. In preference to almost every thing else, he recommended their lordships to adopt some mode, which might be productive of a reform in this particular, and to take care that such a reform should take place in the navy, which called for double attention: because, any gross neglect or malversation in that department, might prove fatal, if relying on it in the moment of danger, we should find ourselves disappointed. He once more recommended to the first lord of the Admiralty, as the best proof of bearing no part of the censure here thrown out against the whole board, to consent to the motions, or propose such alterations, as may be only necessary, in his opinion, to prevent any improper information getting to the knowledge of our foreign enemies.

The Earl of *Sandwich* replied, that he heartily wished the enquiry had never been begun, asserting that he was perfectly convinced that what had come out in the course of the committee's sitting, and especially the papers relative to the navy, had been extremely prejudicial to the interests of this country: that the account of the cruisers and convoys which had been appointed, had, in particular, done the nation infinite disservice: that he foresaw the consequences when the motion was made for them, and had therefore given his opinion against it: that he never was more sure of any position, than that they had served as a lesson to France, where she might attack us, and where she might, with the greatest probability of success, attempt an invasion. The very same reasons which induced him to say thus much, were in full operation against his agreeing to the present motions, which he should object to, as tending to discover to our enemies, and all the world, what it was exceedingly material for us to conceal. The noble earl had drawn a comparison between the situation of the navy, in 1727 and at the present time; a comparison which was not at all warrantable. In 1727, we had not more than 190 ships of war, now we had full 373; and added to this, the expences of every kind had increased nearly double.

With regard to the charge on the ground of applying sums, voted for the purpose of repairing certain ships stated in the estimates presented to parliament, to the repair of other ships, nothing could be more ill-founded: it clearly arose from the noble earl's want of knowledge of the nature of conducting navy repairs. The circumstance was unavoidable, as he would in two minutes shew their lordships. It was always customary, and it was a custom founded on necessity and expediency, to repair those ships first, which stood in need of the least repair, by which means the number of ships were easily kept up; a circumstance so obviously proper, that he would not take up a moment of their lordships' time to enforce it. When a ship was put into dock to repair, and the sides stripped, it sometimes turned out that she wanted a larger repair than had been imagined; such ships as had been supposed to need only 3,000*l.* and three months repair, had afterwards appeared to stand in need of 8,000*l.* and eight months repair; and as a ship must be finished when her repair was once begun, it was usual to take so much of the money voted for the repair of another ship, as was necessary to complete the cost, and to let the other ship remain untouched till a future opportunity.

The earl answered respecting the 12,000*l.* a year, stated to have been allotted for the commissioners of the navy, and admiralty in particular; that no additional commissioners had been appointed in his time, excepting two, one for Halifax, and another for America; which were absolutely necessary for the dispatch of public business. The increase he acknowledged, but said the expence arose entirely from another cause. In 1773, an additional number of clerks were put on the establishment; not that this was a real increase of expenditure, for the clerks had been for many years employed, and paid

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by the government, though the item of the official expence in the ordinary estimates, was not set down. The charge alluded to appeared for the first time, in 1773; but it had nevertheless long existed, and had been included under some other head.

The Duke of *Bolton* observed, that as the first lord of the Admiralty had in a former debate declared, that when lord Hawke left the board, our navy was in a most deplorable state, he wondered the noble earl was averse to the present motions, motions, which not only went to produce papers which parliament had a right to demand, but to prove how much the noble earl merited for having retrieved the navy, and rendered it so much superior to the state in which lord Hawke left it. Why deny parliament the exercise of a parliamentary right, and tell them that they must trust implicitly to administration? Such a denial, at any time, or by any of the King's servants, would wear a very suspicious appearance; but from the noble earl, it seemed most extraordinary. The noble earl has all along built his merit on this two-fold consideration; the very ruinous condition of the navy when he came to preside at the Admiralty board, and its present most flourishing and respectable state. What does the motion before the House import? To establish both parts of this proposition; to prove this important truth, and of course to prove the transcendant obligations his country and sovereign owe to the noble earl. We have often heard those things pressed upon us, in the most confident manner. We have often heard the truth of them questioned, and will the noble earl, from an overstrained modesty, refuse to gratify the public on a point, which will be the best proof that his assertions were not mere boastings; and which must at the same time, reflect the highest honours on his understanding and integrity. In short, the noble earl declines entering into any proof either way. On the one hand, he does not chuse to disclose the ruinous state of our navy, in 1770, lest it may convey information to our enemies, in 1778; nor of its flourishing state in 1778, lest France might come at the dangerous and important secret. After holding out the tendency of this argument in several ludicrous lights; he said, the whole was one solemn piece of mockery. France, he was fully convinced, had the most minute account of the state of our navy nearly up to the very instant at which he was speaking. To pretend to conceal it from France, was to the last degree absurd; but considering its real condition, it was by no means surprising, that the noble earl was so extremely desirous to conceal it from parliament; because if the latter knew it, it might affect the noble earl personally. So long as parliament remained in the dark, the noble earl only run the risk of suffering in the general ruin. When, therefore, the noble earl objected so strongly to the account of ships and vessels broke up or disposed of, he might have his reasons for opposing it, and probably they were very cogent ones.

The noble earl had said, that no rise could have happened, because no additional official expence had been incurred. He would have been much better pleased, to hear his lordship assert positively, that no increase had taken place. The only increase the noble earl acknowledged, was the commissioners appointed for the docks in America. That could not possibly affect the estimates of 1773, or any other yet given in; and as for the additional clerks, he presumed, the noble earl would hardly pretend, that their salaries amounted to the difference charged in the estimate; nor did he hear his lordship assign a single reason, for making a new establishment for the additional clerks, instead of paying them out of the fund appropriated for that purpose; but supposing it to be the fact, he would be glad to know, to what new purposes the fund they were formerly paid out of, was appropriated. His grace finally observed it was needless to go down to the other House of Parliament to hear them expatiate on the extravagance of administration; needless to bring evidence to the bar of their lordships' House to prove it in any particular instance; needless to look for it in the papers on the table, for that the whole kingdom rung with accounts of it in the various departments of government.

Having for some time pursued this argument, he took notice of a certain hospital, the revenue of which he particularly stated; shewing that its income amounted to near 100,000*l.* annually; notwithstanding which he declared, government continued to grant it year after year some thousands for its support, and even now, when we were in a state of war, and consequently the annual subscriptions from the men employed were greatly increased, it was set down among the list of purposes for which the parliament voted money.

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To this his grace added, that he had met with a book, relative to the hospital he had alluded to, in which it was stated that the directors of that hospital had subverted its charter in more than one act, and especially in the appointment of officers who were not sea-faring men. The charges made in the book he said, he verily believed, and so far was it from being an anonymous publication, that it was professedly written by the lieutenant-governor of the hospital, a man whom he had sent for upon reading the book and conversed with, and whom he had not only found to be a very sensible man, but had heard declare, that what he had asserted was strictly true, and that he was ready to make good every one of his charges on oath in any court in the kingdom. Among other proofs of mismanagement in the direction of the hospital, the duke said, one was, the directors having, at the instance of the lieutenant-governor, prosecuted to conviction the butcher with whom they contracted, in one penalty, for serving the hospital with bull beef instead of ox beef, and having afterwards convicted him in ten other penalties, and when they had him in court to pay them, they not only compounded the whole, but in a short time employed the same butcher, and gave him 2*s.* 6*d.* a hundred more for his beef than before. His grace declared that he was a governor in a double capacity, as an admiral and as a privy counsellor; that he had made it his business to inquire into the facts, and was certain of what he mentioned: he added, that the direction had of late years been strangely filled, that it had a continual majority in it who did what they pleased, and that gentlemen of real weight and ability kept away from the board for that reason. The duke took notice of Mr. Atkinson's contract, which he said was made by a noble lord in his closet, secretly and privately in a manner in which he had no right to make it: that it was enough to alarm the public; and if the first lord of the Admiralty persisted in refusing to accede to the motions, he flew in the face of parliament, whose duty it was not more to grant money, than to examine the accounts of government, and see that the public money had not been prodigally thrown away.

The Earl of *Effingham* said, that as he expected it might be argued against his comparison of the expences of the ordinary of the navy, &c. in 1727 and at present, that every sort of naval stores was much dearer now than at that period; he had given himself the trouble to inquire into some of the prices of stores in 1727, and had found that they were so far from being less, that they were infinitely dearer then than now: as a proof of this he mentioned the price of pitch, which was of late only 6*s.* a barrel, but 1*l.* 2*s.* in 1727; of tar and oil, which were cheaper now in almost an equal proportion.

The Earl of *Sandwich* complained much of the unfair practice of going into matter foreign to the subject in debate, of the unparliamentary mode lately adopted, of referring to prior debates, and reciting what had then been spoken. His own memory was tolerably tenacious, but as other lords were not quite so happy, it was exceedingly injurious to attempt to repeat what had been said on another occasion. The noble duke who spoke last but one, had much misrepresented him in declaring he had said, that when lord Hawke left the Admiralty, every officer in it was in a state of despondency, on account of the deplorable state of the navy; he had said no such thing, nor ever let fall a single expression which could be construed into an insinuation that lord Hawke had not done his duty. On the contrary, not one of their lordships could think more highly of lord Hawke than he did, and he should be as full of presumption as man could possibly be, if he did not feel and confess his own inferiority to his predecessor in office. He had never thought that the navy was otherwise in a weak condition when he had the honour to be appointed to his place, than as it necessarily must be at the end of a long war. In a long war we used our ships much, because a greater number was consequently employed; the more service, the more wear and tear. Ships were necessarily built in a hurry of green timber, and when on the rumour of a war with Spain, just before his entrance into office, those ships were wanted for actual service, they were discovered to be in a very ruinous condition. His expression as to the despair of those in the different departments of the admiralty and navy, when he came into office, was merely respecting the want of English timber, it being generally imagined that there was not any in the kingdom.

His lordship said he could not with patience hear the noble duke mention in that House a publication which would be properly noticed in another place, and which

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it was every way beneath their lordships to advert to. The book contained charges against the directors of Greenwich hospital so scandalous, that he did not doubt but they would feel themselves impelled to call the asserter of them to account in the court of King's-bench. The directors were men of considerable character, of considerable property; some of them, the first merchants in London; their conduct towards the hospital had been irreproachable, and as to what the duke had said relative to the meat imposition, he was quite mistaken. The man was prosecuted, not by the lieutenant governor alone, but by the whole board of directors, and so far were they from encouraging him, that they had been obliged to enter a fresh contract with him, because his offer was the fairest. All the contracts of Greenwich hospital were publicly and openly made, consequently it was the duty of the directors to close with that offer which was the best. Mr. Mellish was the man contracted with. Mr. Mellish was no butcher, but a wholesale dealer in cattle, a man so largely employed in that way, that he almost held a monopoly of the business.

The noble duke had urged the parliamentary grant, for the support of Greenwich hospital, as a mark of the extravagance of government. It was no such thing. The hospital, it was true, had large revenues, but it was a part of its establishment to call upon government for aid, when those revenues were not entirely adequate to its necessary expences. It had this year only asked 4,000*l.* of government, which was but a very trifling sum, considering the great purposes which the hospital served. This sum it wanted to pay the out-pensioners, who were formerly 1,000, but were now not half that number, and were daily decreasing. It was true, in proportion to the number of seamen employed, the sixpences received, increased, but they were not yet come in. Let the noble lords look at Chelsea hospital, and compare its state and its necessities with that of Greenwich; and the very trifling expence the nation was put to in supporting the latter, compared with the enormous sums voted annually for the support of the former.

Before he concluded, his lordship took occasion to defend the noble lord in the other House, from the accusation of having made a contract in his closet, declaring that such a charge was altogether irregular and unparliamentary; that it tended to cast an imputation on the noble lord, as if he had any interest in the contract, or had been influenced by any private or mercenary views; a suspicion for which there was not the slightest ground. That noble lord, he owned, had his failings as well as his virtues, and no man was without; but those who knew him well, knew that he was as much superior to a mean action as any man in the kingdom; that there did not exist a man of more integrity, and that the very honourable issue to the enquiry set on foot, respecting the contract alluded to, in the other House, was an incontrovertible proof of the full conviction of the noble lord's rectitude of conduct, and the shame which fell upon those who ventured to make the accusation.

The Duke of *Bolton* said, that so far from thinking the affairs of Greenwich hospital well conducted, he was satisfied of the very contrary. The sixpences of this year were not yet come in, but those of the two preceding, if they were not, ought to have been, which were very considerable; 28,000 seamen being voted the first, and 45,000 the last; besides, there was the Derwentwater estate, and some other revenues, which made the whole amount to upwards of 70,000*l.* per annum. He had strong reasons to be convinced, that the income of the hospital, if properly managed, was more than sufficient to answer all the outgoings.

The Duke of *Richmond* observed, if the noble earl could bring no stronger proof of the rectitude of his own official conduct, than by resting it on a similar foundation with that of the noble lord in the other House (lord North) he believed it would be granting more than his lordship might be willing to accede to, if the consequence of the motion for enquiry was to be coupled with the proposition itself; for the consequence was, notwithstanding the lofty, flourishing panegyric pronounced by his lordship, that a committee to enquire into the expenditure of the public money was ordered to be ballotted for. If the noble earl was willing to adopt the noble lord's conduct in the other House, why not copy him in his candour, as well as every thing else? The noble lord was in possession of a majority; but what did the noble lord do? Though the enquiry was personally directed against him; instead of putting a flat negative, as the best proof of his innocence, he consented to it. He did not pretend to say whether

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his lordship was censurable or not; he was however either blameable or misinformed. The rum contract had been referred to three merchants of the first eminence and reputation; they gave their opinion against it; and it was of little consequence to the nation, whether the money went into his lordship's own pocket, or into that of his secretaries, his friends, or his mistress. His grace replied to the general charges made against the propriety of parliamentary enquiries. He contended, that the committee on the state of the nation had been already productive of the most salutary effects, having rouzed the people to a proper sense of their calamitous situation, and given a check to ministers in the midst of their mad and ruinous career. His grace ended with declaring that the motions ought to pass, and that although reasons of weight existed against agreeing to them, the noble lord at the head of the Admiralty, whose conduct was supposed to be, in a great measure, involved in the event of them, should have been one of the last to oppose them.

The question was then put on the first motion, when the numbers were; For it 20; Against it 50. The second motion was agreed to. As soon as the Lord Chancellor had read the motion for "An account of the number of ships broke up and sold, together with an account of what they sold for; and also an account of the quantity of old stores, and the prices at which they were sold,"

The Earl of *Sandwich* hoped the noble mover would consent to omit the first part of it, as it might prove detrimental to the interests of the country, by shewing France in what proportion our navy was decreased. The earl declared he had not the smallest objection to the House having a full account of the quantity of old stores sold, that he drew but a very small sum from the scale of them, he heartily wished it was a larger; but he was exceedingly willing to let their lordships know what it was. As however the nation was probably on the eve of a war with France, he thought it exceedingly imprudent to open, just at this time, any matters which could not, upon being investigated, serve this country, but might be advantageous to its enemies. His lordship concluded with saying, he believed the noble earl would gratify him in his request, and new-model his motion.

The Earl of *Effingham* said, he could not, by any means, consent to forego that part of his motion; that it was in fact the most material part, and as it was a fair object of parliamentary enquiry, he trusted their lordships would support him in urging it. He added, that he hoped the noble earl would not wantonly divide the House, merely to shew his own influence in it; that there was the greatest reason to suspect that the public money had not been expended with œconomy; that it was the duty of their lordships to examine how far that suspicion was well founded, that by so doing ministers might be rendered more careful, and the sums voted by parliament be laid out more providently in future.

The Duke of *Bolton* observed in a jocular manner that the noble earl who opposed the motion had let the cat out of the bag; and ironically congratulated those lords who had voted for an address to his Majesty, in answer to his message, upon what must necessarily be their feelings when they heard one of the ministry, who had been loudest in justifying the address, confess that he heartily wished we could avoid a war. His grace expressed his astonishment at the first lord of the Admiralty's conduct. Was the noble lord determined that the House should have no papers before them which threw a light upon his conduct in office? Did he mean flatly to say, their lordships should not be enabled to draw any conclusions, either as to the proper application, or the scandalous waste of the public money which had been voted for the navy service? The motion was exactly similar to motions formerly made on like occasions. The ships broke up were in fact part of the old stores, as much so as the old stores themselves, and it was ridiculous to say, that giving the House an account of them would furnish France with any information, but what she could with ease procure elsewhere.

The Duke of *Richmond* arraigned administration in general, and the first lord of the Admiralty in particular, for treating parliament with such repeated disrespect. His grace advised, soothed, and threatened, urging those in office on the treble score of policy, civility, and safety, to relax of their wonted obstinacy in denying to furnish the House with all such papers as were likely to throw some light on their own conduct. He gave them this advice for their own sake, to prevent the dreadful consequences which he saw impending. Woe be to them if the public, who had so long trusted administration, and placed such implicit confidence in their wisdom

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and integrity, found themselves at length betrayed! Administration would feel the weight of popular vengeance. The noble lord at the head of the Admiralty, who now refused to accede to a motion not only founded on strong necessity, but consonant to parliamentary usage, would be dragged from his place. There would be insurrections of the people, who would put him to death. [Here his grace was called to order, but he persisted in his argument, declaring, he had a right to say what he did, and he would not be interrupted.] The populace would rise, and serve the noble lord as the Dutch served the De Witts, they would tear him limb from limb.

Lord *Dudley* said, it was true, as the noble duke had mentioned, that the people were ready to rise; it was not however to destroy the members of administration, nor to punish those who deserved the thanks of their country, but to oppose the natural enemies of Great Britain, to fight the French, if they should think proper to invade the kingdom.

The Earl of *Effingham* declared, that if the proofs of the extravagant and wasteful conduct of administration in the expenditure of the public money were denied him there, he would take care to produce them elsewhere. The public had a right to know in what manner their money was spent, and he would furnish them with information. It was in vain, he saw plainly, to attempt in that House to move for any thing which the ministers were not disposed to accede to. In the present instance, the first lord of the Admiralty knew his strength in a division. He would go below the bar, and take with him his —— he had like to have said——servile majority; he should not therefore rest satisfied, but would use proper means to come at the truth, which he would certainly communicate to the public.

The *Lord Chancellor* left the woolsack in great warmth, declaring, that he felt himself called on to support the honour of the House. If such insinuations, and such language were suffered to pass unnoticed, the House would no longer be looked up to as the moderator between the King and the people. The noble earl had talked of a servile majority; were their lordships to be so grossly insulted without a rebuke? He had sat in that House seven years, and never before heard so indecent a charge. A servile majority! The insinuation was not warrantable. He had for one voted in favour of the measures of government; but would any lord venture to say he was under influence? The ministers knew his place was no tie upon him; they knew he always gave his vote freely, and according to his real opinion. He was born the heir of a seat in that assembly; he enjoyed a peerage as his hereditary right. He could not therefore sit silent and hear the earl talk of a servile majority; and he was amazed that government had so long suffered themselves to be abused; he hoped, however, they would no longer be patient under such a continued strain of invective, but would take the proper means to prevent it in future. His lordship said, that the ministry would always have a majority, for the moment that opposition divided as a majority, the present ministry would be no more.

The Duke of *Manchester* said, he conceived, by what had dropped from the noble lord on the woolsack, that some strange means were about to be taken in order to stop the mouths of those lords who did not think it right to coincide with every measure of administration; but in spite of the threat thrown out by the learned lord, he would persist in arraigning the King's servants, as long as they continued to act in so injurious a manner as they lately had done; and it was a matter of perfect indifference to him, whether they bore it patiently or not. It was sufficient for him to be conscious that he discharged his duty to the public.

The question was then negatived without a division. The fourth motion shared the same fate. The fifth was agreed to.

Debate on Mr. Wilkes's Motion relative to Private Aids or Loans to the Crown.] April 2. Mr. *Wilkes* rose and said:

Sir; in this free country, where the people have so considerable a share in the legislature, I hold it to be the duty of every man to watch over the constitution. The members of this House are more particularly delegated to a charge of this moment and importance. Any wilful negligence or inattention in us would be a breach of trust, and highly criminal. In this thorough conviction, I shall take the liberty of submitting to your consideration some late proceedings, because I am convinced they are, although countenanced by the highest authority, directly repugnant to the genius of our laws and government. The late encroachments on

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the constitution by the executive power of the state have neither been gradual nor inconsiderable.

Among the great outlines of this well-poized constitution, I believe it will be acknowledged, that one of the most striking is, the power assumed and regularly exercised by this House, of granting the money of the people, which creates the dependence of the crown on parliament for supplies. The purse of the nation has been subject only to the controul of this branch of the legislature. So great a jealousy has prevailed on this occasion, that the other House have never been suffered to make the least alteration in a Bill, which could in any way be construed to be a Money Bill, even by a fine or penalty in an enacting clause. This, Sir, is the plastic power of our creation. It gives us a certain, not a precarious existence. It is the single circumstance, which, under every change of ministers, ensures our meeting annually within these walls. Were the land and malt taxes made permanent, could a revenue adequate to the whole annual public expence, and probable contingencies, with the necessary ways and means, be voted by parliament for a term of years, I suspect the present set of ministers would advise as long an intermission of parliaments as took place under some of the Stuarts. I do not mean, Sir, that they have now any thing to dread from the tame representatives of an injured people, whom former ministers, who held the same principles and conduct, used to approach with fear and trembling. Ministers have now drawn the sting of this great popular assembly. We have seen this very session such a servile complaisance, such an extreme of contradiction to themselves, that it shocks common faith, and must disgrace the majority here in the eyes of all Europe. No cameleon ever shifted more suddenly to the opposite colour than they have done from insolence, intemperate rage, and war, to meekness, peace, and almost humiliation to the Americans.

Can any thing, Sir, be more alarming to the acknowledged right and privilege of this House, than the doctrine lately propagated, and the practice begun, of giving private aids, benevolences, and subscriptions, for public purposes, to the crown, without the sanction of parliament? The constitution has wisely placed in the crown the right of raising forces on a very pressing and dangerous emergency. It is a power necessary for the safety of the state, for the defence of the people. The strongest check is however at the same time given to any improper exercise of this power. It is controlled by the necessity of an application to parliament for the maintenance of such forces. If troops could be raised, kept up, and paid, without the concurrence of this House, the liberties of this country must be at the mercy of the military, and their commander in chief, perhaps an ambitious prince. Our statute law, Sir, is not silent on this occasion. Every year in the Mutiny Act it is expressly declared, that "the raising or keeping a standing army within this kingdom, in time of peace, unless it be with the consent of parliament, is against law." But, Sir, if the crown can by a prerogative, which is not disputed, raise a standing army, and by private loans, benevolences, or subscriptions, keep this standing army on foot, no application whatever need be made to parliament. Our government would then not be that of the law, but of the sword, to which all appeals must be trifling and inefficacious. Parliaments are now convened to vote the necessary supplies, which are regularly asked of the Commons on the first day of the session. If government could receive them in any other mode than by the grants of this House, the legislature itself would not only lose its most important function, but become unnecessary, and very soon obnoxious. The executive power must be trusted with the raising of forces; but it is likewise the duty of this House to their constituents to take care that the number of those forces be so proportioned to the defence of the state, that the security of the subject may be provided for, and yet no alarm given to a nation very justly jealous of the least danger to its liberties. While the military receive their pay from the grants of this House, the maintenance of the army must depend on the approbation of parliament; but if an artful, or enterprizing prince can find other resources, the soldier will then look up to the prince, and not to the representatives of the people. The executive and legislative power must now concur in the measure of keeping on foot any number of regular troops, both in its first adoption, and continuance, or it cannot be the act of all the constituent parts of this government. If a designing prince, hostile, like most princes, to the cause of liberty,

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should be able to raise an army, and by foreign gold, the mad zeal, or interested views, of a party among us, could contrive to keep it on foot, without the aid of parliament, what security have we for the preservation of our civil rights and privileges? The refusal of supplies in this House to force the disbanding an army could have no valid effect, for parliamentary grants would not be solicited. Future princes might govern, like the Stuarts, without parliaments, by the exertion of an over-stretched prerogative, and even juries be under the controul of a crown officer, when the grand inquest of the nation was superseded.

The constitution of this country, Sir, would be wounded in another branch of the legislature, in the House of Lords, by any grants of money, but through the medium of parliament. The peers have undoubtedly the right to reject a money Bill. They may now by their negative force the disbanding any number of troops, which they think unnecessary, or dangerous to the safety of the nation. This important privilege would be taken from them, if such a body of troops were to be maintained by any private loans, benevolences, or subscriptions. The whole authority of the state would thus be absorbed in the crown, and the two other branches of the legislature become a mere phantom, supposing even their forms to be preserved.

I expect, Sir, that it will be asked, are we not then at liberty voluntarily to give our money to the crown? Are free gifts from the subject to the King illegal? There is, Sir, scarcely a country in Europe, which has not groaned under the oppression of what are called free gifts. The very term is become ridiculous. Many a peasant has perished in a loathsome dungeon, because he would not be compelled to a *don gratuit*. The English history supplies innumerable instances of the cruel exaction of what have been termed voluntary loans and benevolences to the king. Many families have been ruined under the Tudors and Stuarts, because they would not be forced to free-will offerings to the sovereign against their consent. The indiscreet ardour of a few begins a subscription, or loan; and then the rest of a nation are compelled, under pain of our utmost royal displeasure, to the same exertion, sometimes to their utter destruction. Neither can equality be observed in such contributions; whereas the fair and equal proportion of what every subject should pay to the exigencies of the state is one of the most important objects of every legislature. It becomes then the wisdom of parliament to put a stop to all abuses of this nature by an express statute.

I have heard, Sir, the Act of the 13th of Charles 2,* mentioned as an enacting law on this occasion; but, Sir, it by no means reaches the present case. That Act only provides, 'that no commissions 'or aids of this nature can be issued out, 'or levied, but by authority of parliament, 'and that this Act, and the supply hereby 'granted, shall not be drawn into example 'for the time to come.' The nature of those aids and commissions was by authority under the great seal of England, to empower certain persons to receive "such subscriptions as his Majesty's good subjects should voluntarily offer, no person, not being a peer of this realm, in such offer or present, to exceed the sum of 200*l.* nor any peer of this realm the sum of 400*l.*" Reference is always had in this Act to commissions issued under the great seal. The necessity, however, of such an Act, at a very particular period, plainly shews the sentiments of that parliament, as to the general doctrine of loans and subscriptions, without the concurrence of the legislature.

There was, Sir, something peculiarly offensive to this House in the manner and time, which the zealous partizans of a desperate administration chose, for the late unconstitutional mode of levying money without the consent of parliament. The minister had dictated to the majority an adjournment of a very unusual length. Immediately after, their agents were busily employed in getting subscriptions and raising troops. There had not been the least previous intimation of the new plan to this House, nor the usual message from the crown. No alarming state-symptom had recently appeared, even according to the apprehension of ministers. The noble lord with the blue ribbon assured us, that "he knew nothing of a treaty between America and France, nor did he believe its existence," so judiciously had the immense sums we had voted for secret services been applied. The House adjourned on the 10th of December, and we have on our table a letter from the War Office of the 16th, in which the secretary at war tells a gentleman very near me (sir Thomas Egerton) that he 'was commanded by the 'King to acquaint him that his Majesty

* See p. 691.

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'approves of the very handsome offers 'made by the town of Manchester, through 'him, for raising a regiment of foot at their 'own expence, the regiment to consist of 'eight battalion companies, one com-'pany of grenadiers, and one of light in-'fantry.' The eagerness of the inhabitants of that loyal town to subscribe could only find a parallel in their efforts during the years 1745 and 1746, and in the splendid zeal of another equally well-affected town in the same county, I mean Liverpool. It appears from the same letter, that the Manchester regiment was to consist of no less than 1,000 private men, besides a colonel, lieutenant colonel, major, captains, lieutenants, ensigns, serjeants, corporals, drummers, and fifers. The same establishment was to take place for Liverpool. Lord Barrington promises, in the King's name, that "the officers shall be entitled to half pay, in case the regiment shall be reduced after it has been once established." This was to be considered as an engagement from the public, although without the least communication to parliament, or consent of this House. The same promises were made to all the different corps, which were to be raised during the late adjournment in another part of this island, where the Protestant succession in the illustrious House of Hanover is now declared to be the idol of the people. All the new-raised Scottish regiments were to be entitled to half-pay. These absolute engagements for public money to be afterwards voted by parliament, were made in direct violation of the rights of the representatives of the people, and are contrary to both the spirit and letter of this murdered constitution. On such terms the secretary at war's letters on our table state, that colonels Gordon's, Mackenzie's, Murray's, Maclean's, lieut-colonel Campbell's, lieut-col. M'Donnell's, the Edinburgh, Glasgow, and Liverpool regiments were to be raised. Private subscriptions for the raising of these corps were at the same time warmly solicited by the agents of administration, and carried on with an uncommon spirit, immediately after the adjournment for the holidays. Some great men had the additional douceur of "the list of the other gentlemen recommended through them for commissions being honoured with the royal approbation, and the secretary's assurance in the King's name, that they should have commissions as soon as the regiment was raised," besides the bribe of the half-pay. The secretary of state, Sir, for the northern department, ventured to assert, in the King's name, that these private subscriptions were constitutional. In a letter from that learned lord, the earl of Suffolk, to sir John Wodehouse of February 17, it is said, "I have had the honour of laying before the King a copy of the Resolutions delivered to me, and am now to inform you, that his Majesty is fully sensible of the constitutional zeal and loyalty which dictated these Resolutions." The most important of these Resolutions, which were agreed to at Norwich, is the raising money by a private subscription for several avowed public purposes respecting the army. The subscribers not only gave liberally from their own purses, but promised "to use their best endeavours, and to exert their utmost influence in that county and city towards carrying those Resolutions into execution," contrary to what has been demonstrated to be the established doctrine of the constitution, that the crown cannot receive the money of the subject, for public purposes, but through the medium of parliament. It ought surely, Sir, to be the consent of the whole people by their representatives, not the partial benevolence of a few interested individuals. A few private disinterested men may imagine a favourite measure of their own to be a common concern of the state, while others make it a lucrative job for themselves and their dependants, by the gift or traffic of commissions, with the reversion of half-pay for life entailed on the nation.

I confess, Sir, that there is one circumstance with respect to the Manchester, Liverpool, and some Scottish regiments, which gives me pleasure. I rejoice that they are to be sent to Gibraltar and Port Mahon, to replace the Hanoverians; for I think not only the spirit of the constitution grossly violated, while the electoral troops of Hanover remain in possession of those fortresses, but the statute law of the realm may be evaded. In the "Act for the further limitation of the crown, and better securing the rights and privileges of the subject," it is declared, "that all and every person and persons, who shall or may take and inherit the said crown, by virtue of the limitation of this present Act, and is, are, or shall be, reconciled to, or shall hold communion with, the see or church of Rome, or shall profess the Romish religion, or shall marry a Papist, shall be subject to such incapacities, as in such case or cases are by the said recited

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Act provided, enacted, and established." We all remember, Sir, a very near relation of the crown, the hereditary prince of Hesse, married to a daughter of England, openly embracing the Romish religion. If a misguided prince could ever be so far perverted as to follow the religion, as well as the maxims, of the last Stuart king, and the Hanoverian troops should then be in possession of Gibraltar and Port Mahon, although the crown of England would be forfeited, the elector of Hanover might still secure the possession of those important fortresses, which belong only to the imperial crown of this realm.

I approve likewise the departure of those regiments on another account. I recollect what passed in the march of the Scottish rebel army southward in 1746. I shall be glad to hear of their absence, because I do not think an invasion of this country, as the present crisis, quite so chimerical a project as the conquest of America. I have read in the London Gazette, where truth was found in the last reign, a "List of rebel officers, in the Manchester regiment, taken at Carlisle," by the hero of Culloden.

I am aware, Sir, that at the period to which I have alluded, many subscriptions were carried on, and regiments raised, without a previous application to parliament. At the breaking out of that rebellion the legislative body was not sitting. A long prorogation in the autumn had taken place, as usual. The capital of Scotland had surrendered to the rebels even before the parliament could be assembled, and never was a more easy, or perhaps willing, conquest. The rebels were in full march into the heart of the kingdom. Every thing dear and valuable to Englishmen was at stake. Without the most vigorous exertions, the cause of public liberty must have sunk for ever. The greatness of the crisis called for those spirited measures, measures which could not be warranted in times of profound peace and public tranquillity. In this sense only ought the famous passage in lord Hardwicke's celebrated speech to be understood. The first law of every state is the *salus populi*. When he as lord high steward passed sentence of death on the Scottish peers in 1746, he observed, "men of property, of all ranks and orders, crowded in with liberal subscriptions, of their own motion, beyond the examples of former times, and uncompelled by any law; and yet in the most legal and warrantable manner, notwithstanding what has been ignorantly and presumptuously suggested to the contrary." He delivers the dictum with unusual and indecent warmth, with the furious zeal of a convert; for of this ignorance and presumption his lordship had unluckily been himself guilty. A well-known letter, which is still extant, from him to a gentleman in Surrey, a near relation of a worthy member, whom I see in his place (Mr. Scawen) in the most express terms condemns all private subscriptions to the crown for public purposes, as absolutely illegal. But, Sir, I confess that I very little value the sentiments of lawyers in general on the great topics of government. We have indeed in this House three or four gentlemen of the law, of the most enlarged understanding, and extensive genius; but the common observation still holds good, that lawyers, of all professions, seem least to understand the nature of government in general. They are like under-workmen, who are expert enough at making a single wheel in a clock, but are totally ignorant how to adjust the various parts, or regulate the movement. A truly wise and deeply learned Whig, lord Hardwicke's professed model, the great chancellor Sommers, would not, I believe, have delivered such a doctrine as law. Yet, Sir, in my humble idea, those subscriptions were not only justifiable, but meritorious, I will venture to say patriotic, for they tended to the salvation of the country. Perhaps, Sir, after the extinction of that wicked, unprovoked, rebellion, we ought to have acted as we did in the case of the embargo on all ships laden with wheat or wheat flour in September 1766. The order of the king and council was certainly irregular, illegal; but it saved the people from famine, and therefore was sanctified by an act of the whole legislature. The preamble of that Indemnity Bill says, "which order could not be justified by law, but was so much for the service of the public, and so necessary for the safety and preservation of his Majesty's subjects, that it ought to be justified by act of parliament."

I expect, Sir, to hear it objected, that the present time is by no means a proper season for such a motion, as we are probably on the eve of a war with France, and the whole House of Bourbon. This objection will have no weight with me; for no man can be more zealous to strengthen the hands of government, even to strain every nerve of the state, in a just war against France, our ancient enemy,

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the common enemy of the liberties of Europe. I would however do it in a parliamentary way. I wish this House, in a good cause, to grant the amplest supplies against that ambitious, formidable, and encroaching power, although I think the present ministers wholly inexcusable in being thus long duped by her flimsy pretexts, and unmeaning verbal assurances. The Message to this House, of March 17, tells us, that the conduct of France is "contrary to the most solemn assurances, and subversive of the law of nations." Those most solemn assurances deceived none at the time but the credulous court of England, and the ministers on the other side of the House, who wished to be deceived. As to the law of nations, in my opinion it clearly justified the late conduct of France. I call on any gentleman, the deepest read in Grotius, Puffendorf, and the other writers on the rights of war and peace, and the law of nations, to prove from a single passage, that the French ambassador's late declaration is subversive of the law of nations. The United States of America were at the conclusion of the late treaty, on a footing with all other states. They had by the most public acts, with a full chorus of applause from almost the whole northern hemisphere, asserted their independency, of which they had at that time near two years full possession. The present conduct of France to America likewise receives the fullest justification from the former conduct both of England and France to Holland and Portugal, when they separated from the Spanish monarchy, and became independent states. We both went further than France has done in this instance. France and England at that time furnished entire regiments, ships of war, ammunition, and all warlike stores, to the revolted subjects of the Spanish monarch. The immediate cause of complaint at the present period is only that France has concluded a treaty of amity and commerce with America. Is this an unjust aggression on England? Is this a just cause of hostilities on our side, and will it warrant the involving this country as well as France in all the horrors and calamities of war? France seems indeed to be taking a dreadful revenge on us, by securing to herself the commerce of America, as an indemnity for all she suffered during the last war; but in the treaty she has acted according to the law of nations. Yet, Sir, if we must be forced into a war, I do not despond. With the same great minister, who so gloriously conducted that war, and the same noble efforts in the people, I should not doubt of equally brilliant success, provided we had peace with America, to whom in no small degree we owe what share of consideration we have among the powers of Europe. The navy of this country, which is its surest bulwark, owes its greatness to our colonies, has grown with their growth, and strengthened with their strength; a navy which has ungratefully and barbarously laid their towns in ashes. Trade and commerce, the support of most nations, the chief care of the wisest, have derived their late vigour and spirit from America. What dreadful commercial calamities have we suffered since the unhappy contest with her? If she joins the whole House of Bourbon against us, I shall begin to be alarmed for our own independence. At least the power and glory of England, which have not, till this fatal period, withered like a fair flower, nor been mowed by the scythe of all-devouring time, that strikes empires from their root, will be in danger of being cut off by the sword of her justly incensed offspring. We have been found unequal to the contest with America alone. A Congress worthy of Rome, while Rome was free, *tumidas contudit minas* of an insolent minister, and the venal majority of a British parliament. All our ministers, Sir, have been grossly ignorant as to the real strength of that vast northern continent. Even the great man, who is now removed into the other House, delivered a very weak and ill-founded opinion here in the debate on the repeal of the accursed Stamp Act, that the force of this country could crush America to atoms. The force of this country, aided by Hessians, Hanoverians, and all the other German mercenaries, has effected nothing, but unsoldierlike retreats, in three years. The united force of Europe, Sir, cannot crush America to atoms, if we consider the natural strength of the various component parts of that immense continent. Peace, peace, therefore with America ought to be our object. Force has been found as unavailing, as ill directed.

I fear our conduct has cemented the union between America and France. Since the affair of general Burgoyne, and the French acknowledgment of their independence, it cannot be supposed that the Americans will ever think of returning to a dependence on this country. The ex-

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periment, however, Sir, might be made, of endeavouring to detach the United States from France, by an acknowledgment of their independence, and a league of more than amity and commerce, a treaty offensive and defensive with the mother country. The same religion, language, laws, love of liberty, the same common stock and progenitors, the *genus Latinum, Albanique patres*, a reciprocity of the important interests of commerce, all these might consolidate the base of a firmer, more compact alliance than ever yet was formed between two empires. But alas! perhaps these are only pleasing visions, mere phantoms of the imagination, unsubstantial mockeries; and the reality will be an obstinate and bloody war, to be concluded possibly, even in this reign, in a farther dismemberment of the British monarchy. I heartily wish, Sir, a war with France could be avoided. I know we are unprepared, and that the people have no confidence in government. They have even a horror of ministers, who have lost more than half our empire. The provocation of the day cannot justify a war. The treaty is only of amity and commerce with America, not of hostility against Great Britain, or any power. England, in my opinion, ought to have done what France has done. But has she, Sir, acted against us in a manner to justify hostilities on our part? Is the principle, or the policy, of our conduct quite ascertained to be just, wise, or expedient? An ignorant and incapable set of ministers, have brought us into so disgraceful a situation, that we can neither proceed with safety, nor retreat with honour. In such contempt is this nation now held, that even Portugal, which was lately almost a province of this kingdom, looks down upon us with insolence.

Sir, the spirit of liberty is a spirit of jealousy. It ought to be more so than ever at the present æra, which seems peculiarly fatal to the cause of public freedom in Europe, while it is victorious in the western world. Every man, who wishes well to the free English government, must be alarmed for its safety, when he reflects on the fate of the neighbouring nations, of the most considerable states. A late event ought always to be in the perspective of the true lovers of public liberty. The kingdom of Sweden, by its constitution one of the freest monarchies in the world, has recently fallen under the galling yoke of despotism by the treachery and perjury of its king. The most solemn legal obligations, and explicit compacts, enforced, as it was supposed, by the most sacred sanction of oaths, were found insufficient to secure the liberties of that brave people from the invasion of the military, at the instigation, and by the command of a monarch, to whom every species of fraud and deceit seems familiar. No sovereign, in any age or country, ever made stronger and less equivocal promises to his people, cemented by all the holy ties of religion. The speeches from the throne always held out a profound veneration for the laws, an inviolable attachment to the established constitution. The pious hypocrite not only expressed his own abhorrence of arbitrary power, but declared that he would consider those as the worst enemies of his person and government, as the vilest traitors to their country, who should in any way, and under any pretence, seek to add to his power, or to introduce an unlimited authority in his person. He even pretended to think it his greatest glory to be the first citizen of a free country; and he asserted, that to govern it free and independent was his highest ambition. He repeatedly, with great parade, reminded the Swedish nation of the oaths he had taken to them, and the excellence of the constitution, to which he was so religiously attached, while at the same time he was meditating the means of enslaving his people. By the assistance of the army he has acquired the most absolute and despotic power. According to the new form of government, the states of Sweden cannot assemble but by the royal permission. The king is to chuse the senate. They have no right to deliberate upon any thing but what the king pleases to lay before them. If the contributions are not granted within three months, the old are to remain, In cases of necessity the king may impose taxes, till the states are assembled. There would have been no necessity for this, if a slavish party among his own subjects had been willing and able, by any private aids, loans, benevolences, or subscriptions, to put it in his power to support a military establishment, and to raise new levies at his pleasure. He, as well as the sovereign of England, has the sole disposition of the army, navy, and all employments civil and military. The perjured sovereign of Sweden, by the assistance of only a small part of the military, has enslaved his people, and made himself the absolute tyrant of a limited monarchy, in which he was "born and

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educated," and whose constitution he was sworn to preserve.

I know, Sir, that in the important motion which I have the honour of submitting to the House, I stand on the firm constitutional ground of English liberty, and the rights of parliament. I therefore particularly claim and call for the support and assistance of those, whom I love and venerate, the real Whigs, and friends of this excellent constitution. They are naturally jealous of every infringement on the peculiar privileges of this House, as the representatives of all the Commons. The fundamental rights of Englishmen have always been their peculiar care. Any accession of power to the dangerous influence of the crown, without the sanction of parliament, they must reprobate. In this case our very existence, as a legislative body, is brought into jeopardy. From every principle of duty to the free system of government under which we live, and even of self-preservation, this motion ought to be supported; and in consequence I hope for unanimity, when I supplicate the House, "That leave be given to bring in a Bill more effectually to prevent the dangerous and unconstitutional practice of giving, or granting, money to the crown, as a private Aid, Loan, Benevolence, or Subscription, for public purposes, without the consent of parliament."

Sir *Thomas Egerton* thanked the hon. gentleman, for taking notice of his letter; said, the people of Manchester were as loyal subjects as any the King had; and what induced them to subscribe, or propose to raise a regiment, was to assist his Majesty in asserting the just rights of the constitution. It was true, some of the people of Manchester were in rebellion in 1745; but he thought it extremely ungenerous to rake up the ashes and faults of the dead, as a ground of throwing the most unjust calumnies on the living. He said, the number engaged in the unhappy affair alluded to, were comparatively few that lived near the town; and could affirm, from his own knowledge, that as there were no people more personally attached to the King, so there were none who were more eager to support the rights of the constitution.

Mr. *Burke* said, that British liberty would be but a mere shadow, if the king on the throne could legally or constitutionally raise troops without the consent of parliament. There were cases of emergency, when the safety of the state depended upon a timely and constitutional exercise of the prerogative; such as in the case of an invasion, dearth, &c. but pending the sitting of parliament, he held any attempt to raise troops, without a consent direct or implied, no better than a royal usurpation of parliamentary rights. He said, a supineness, a political stupor, had seized parliament, and that we now seemed to be just ripe for ruin.

Lord *Nugent* said, the vote of credit was a full, legal, and constitutional authority for the measure.

The House divided:

Tellers.

Yeas	Sir George Yonge Mr. Hussey	40
Noes	Mr. De Grey Mr. Robinson	71

So it passed in the negative.

Debate on Sir W. Meredith's Motion for the Repeal of the American Declaratory Act.] April 6. Sir *William Meredith* rose, and stated the grounds of his promised motion. He descanted on the several obnoxious Acts passed since the year 1763, pointing out their destructive tendency one by one. He said, every step towards a reconciliation with our colonies would prove fruitless, without a full, open, and unequivocal repeal. It was his sincere opinion, that America would never accept of our friendship, unless it was founded upon a basis of interest, equally broad and comprehensive with what they were likely to draw from their present connection with France. If we made offers of a similar nature with France, most certainly America would give Great Britain the preference. They were our brethren, descended from the same stock, speaking the same language, professing nearly the same religion, and formed to the same studies, habits, and pursuits. We had every chance to succeed and to rival France, should the colonies find an equal interest, by giving way to their prejudices, and their native affection for the parent state. He said, that other nations would be jealous of their manufactures and commodities; Sweden of her iron; Denmark of her timber; Russia of her naval stores; in short, every power to the northward. He advised not to send out the commissioners with their present powers. To give power to suspend, and not repeal, was doing next to nothing; or even repeal the rest, leave the declaratory law

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standing, and the same difficulty would recur. For suppose commissioners should be authorised to assure the Congress, that the Declaratory Act would be repealed, what possible security could the Congress have for the performance, parliament being still at liberty to dissent, though America should agree to conciliate? He then moved, "That an Act of the 6th of the present King, intituled, 'An Act for the 'better securing the dependency of his 'Majesty's dominions in America, upon 'the crown and parliament of Great Bri-'tain,' might be read." It was read. He then moved, "That leave be given to bring in a Bill to repeal the said Act."

Sir G. Yonge seconded the motion, which was likewise supported by Mr. Powys.

Sir *Cecil Wray*. I give my vote for the question under a sincere conviction, that the declaration contained in the Act is so far from being true, that the very reverse of it is so, and that the parliament of Great Britain has no power to pass laws binding America in any case whatsoever. When America was first settled, the whole right to conquest, discovery, and division of lands was in the King; it was in his power to grant them to any body, and on any condition. This power he used in America, in all cases without and in some against the consent of parliament, who never indeed supposed that such feudal rights were vested in them. At what time the King gave up or parliament usurped these rights, is not now my business to inquire; but I must maintain that unless America had consented to such a cession, America is not bound by it, but her rights remain the same as when first established by her charters. A late decision in the King's-bench fully establishes this doctrine. The King may lay any impositions on a conquered country by his own authority, till he has by proclamation or otherwise given up that power by establishing another. Had I thought this Act declaratory of the real power of parliament, I should have voted for the repeal of the obnoxious Acts, on the idea of their inexpediency; but thinking as I do, that the parliament of Great Britain has no power to pass laws binding America in any case whatsoever, I shall certainly vote for the motion.

Lord *North* thought the subject of much too delicate a nature to be agitated at that time; he would therefore be glad that it might not be debated: indeed, the Act was of a great extent, and took in the West India islands; it was consequently improper to bring it at this crisis before the House.

Mr. *Greaves* moved that the debate be adjourned for two months.

Mr. *Burke* spoke much at length to the question, and with much applause from the greater part on both sides of the House. The tendency of his speech was to prove that the Act, as an abstract proposition of law, was wise at the time it was made. That it produced great advantage, at that time, to the measures for healing the differences with America; and that it produced no ill effect. That the House had already formally renounced the obnoxious power in question, which was supposed to be involved in that Act; and that, therefore, this repeal would be only for parliament to give itself the lie, for no manner of purpose.

The motion of adjournment was then agreed to.

DEBATE ON THE DUKE OF RICHMOND'S MOTION FOR AN ADDRESS TO THE KING UPON THE STATE OF THE NATION—SUDDEN ILLNESS OF THE EARL OF CHATHAM.] April 7. The House being in a Committee on the State of the Nation,

The Duke of *Richmond* rose, and preceded the grounds of his intended motion with desiring, that if any noble lord had any proposition to offer to the committee, he would then move it, as his intention was, in case no other peer gave an intimation of his wishing to prosecute the inquiry into the state of the nation further, to close it, by offering to their lordships' consideration an Address to his Majesty, founded upon what their lordships had come to the knowledge of, in the course of the committee's sitting. No lord answering, his grace said, he had to thank the House for the great candour with which he had been heard in the progress of the inquiry, and to give his reasons for winding up the whole by such an Address as he had mentioned. He said the inquiry was highly necessary, as it had produced a circumstantial recital of very interesting information; and after shewing the beneficial consequences which the nation had reaped from their lordships having so patiently and properly attended to the various parts of it which had been agitated, urged the propriety of closing it at present.

The Duke said, he had for a long time

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observed, that it was the object of government to enslave America, and to exercise a degree of tyranny over that extensive continent, entirely repugnant to the spirit of the British constitution, and directly opposite to every idea of liberty which could possibly be entertained by a free people. That this object was sometimes prosecuted with unremitting rigour, sometimes with a sort of relaxation; but that the latter was obviously meant to enable those who directed the design to renew their attempt to enslave America with more violence, and with a better prospect of success. That conscious of the influence of administration, and convinced that it would be in vain to oppose their measures, he had for one whole session absented himself from parliament. Aware, however, from the first, that the attempt to deprive America of her freedom might terminate in the ruin of Great Britain, when he found such measures adopted as tended to accelerate that ruin, he thought it his duty to make one effort to let the people see their danger, and to judge for themselves of the wisdom or the wickedness of those who had loaded the nation with so heavy a calamity as the American war. The very idea of forcing America back to subjection, and conquering the thirteen provinces, was so absurd, that the eyes of all Europe had been provoked to regard the attempt as impossible. To carry on a war at such a distance as America was situated from Britain, to transport an army of 40,000 men across so extensive a sea as the Atlantic, and to suppose it possible to victual that army by sending it provisions from Europe, was, considered altogether, a project unparalleled in history, and so improbable to be successfully practised, that every nation, in the least conversant with the art of war, confessed their admiration of the lunatic scheme. He begged their lordships to consider, that the acts of madmen created admiration, as well as the acts of the sensible. It was as natural to wonder, that any man should dare attempt what was highly probable to end in his ruin, as it was to be surprized at those bold efforts which nothing but the most solid judgment could dictate. His grace said, he had joined in the admiration confessed by all the world, and finding (as he had with others supposed) that the attempt to conquer America would fail, he had thought it necessary to move an enquiry into the state of the nation, that their lordships might, if possible, adopt such measures as were likely to avert the ruin which threatened the kingdom. The enquiry, the duke declared, had been of singular advantage to the nation; and he was exceedingly happy to find that it had met with universal approbation. Another circumstance which gave him great pleasure was, that the conduct of it had been approved of by their lordships, who had in no one instance expressed their dislike of the manner of agitating the various questions introduced either by other lords, or which he had the honour to open to the committee; the only objections made to either, amounting, not to a denial of the resolutions of fact offered to their consideration, but merely to an argument of the inexpediency of carrying such resolutions at that particular time. Having premised this, his grace recapitulated the various parts of the enquiry.

After dwelling on every point which had been agitated, and shewing that it was of the utmost importance for the nation to beware of its danger, and to know that the war, if finished immediately, had cost them 24 millions, and if continued one year longer, must necessarily cost them nine millions more, his grace said, he thought the propositions authorised to be sent out to America, under the last acts, and which had been a year or two since made without effect, would now prove a fruitless endeavour to conciliate the two countries, although various opportunities had offered themselves when terms might have been proposed with success. He closed with urging their lordships to save the loss of more lives, deeming it the first duty of humanity, and producing the copy of an Address to his Majesty, which he thought the present situation of affairs warranted; he begged, however, that it might not be argued against it, that it drew conclusions without premises, because the resolutions offered to the committee would have been the premises, had they been allowed to have been carried. Having premised that the Address was necessarily long, the duke read it to the committee, as follows:

"That an humble Address be presented to his Majesty, to inform his Majesty, that in the serious situation in which we found public affairs at the opening of this session of parliament, this House thought it an indispensible duty to take into consideration the State of the Nation.

"That we have examined in a com-

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mittee of the whole House, a great number of returns, accounts, and papers, respecting the forces both by land and sea, which have been employed in North America during the three years respectively that the present civil war has continued.

"That we have also enquired into the number of lives which have been lost in this unhappy contest.

"That we have considered the advantages which have been gained, and the disadvantages which have been suffered by his Majesty's armies, and those of his allies; the progress which has been made, and what yet remains to be done, towards reducing by force of arms the thirteen revolted provinces in North America.

"That we have further considered the present state of his Majesty's forces in that part of the world; how far they are deficient from what they were in the course of the last campaign; and how it may be possible to render them adequate to the reduction of the colonies by force of arms.

"That we have informed ourselves of the number of old corps, and of their strength, which are left in Great Britain, Ireland, Gibraltar, Minorca, and the West Indies, for the security of these several parts of the empire.

"That we have also weighed the resources which may be expected from the new levies his Majesty has thought proper to direct; how far it may be safe to spare any more of the old corps, or how far the new levies, as yet only raising, can be a recruit for the army in North America.

"That we have given much attention to the state of the navy, at all times the great bulwark of defence for these kingdoms, but particularly so while so great a part of our land forces, and those of our allies, are on the other side of the Atlantic.

"That we have examined respectable merchants upon oath, as to the losses sustained by the people of Great Britain from captures made by the Americans, and touching the effects which the present war has upon the commerce of this kingdom.

"That we have considered the expences already incurred, and those which necessarily attend the further prosecution of this war.

"To assure his Majesty, that in the investigation of these various, great, and extensive objects, we have spared no pains to obtain just and true information; that our enquiries have been conducted with that temper and fairness, which is most likely to obtain truth, to produce wise counsel, and to give weight to our opinions.

"That as it is our peculiar province to watch over the conduct of his Majesty's ministers, and to lay before his Majesty such salutary opinions as the exigency of affairs may require, we are necessitated to offer his Majesty the following dutiful representation resulting from facts, as they have appeared to us in this great enquiry.

"That according to the returns laid before this House, the effective numbers of his Majesty's land forces in North America in 1774, consisted of 6,884 men; in 1775, of 11,219 men; in 1776, of 45,865 men; in 1777, of 48,616 men.

"That these forces had the assistance of a very great and well appointed train of artillery.

"That in the course of the said years, there were employed no less than 83 men of war and armed vessels, whose complement of men amounted to 22,337.

"That no grants were spared by parliament to enable his Majesty's ministers to render these armaments as complete and effectual as possible; and certainly this country never sent out a greater or more respectable force.

"But great and respectable as it was, yet after three years trial and various successes (among which have been victories obtained by his Majesty's troops over the chief American army) the acquisitions we have made consist only in two open towns, difficult to be maintained, and a few islands on the coast, while all the continental parts of Rhode Island, New York, Pensylvania, and the whole provinces of New Hampshire, Massachusets Bay, Connecticut, the three counties on Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, still remain to be subdued.

"That there have been sent from Great Britain upwards of 60,000 land forces, and 22,000 seamen.

"That the loss of men, by death, desertion or otherwise, in North America, according to the last returns laid before this House, had, in the land forces, amounted to 19,381, besides 5,336 prisoners; and that there were at that time 4,639 sick.

"That the loss in the navy appeared to have been 4,314 men; so that there had been already lost to this country at the time when those returns were sent to England, no less than 29,031 men, exclusive of the sick.

"That it appeared that the remains of the army divided in Philadelphia, New

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York, Rhode Island and Canada, consisted altogether of no more than 36,731 men fit for duty, officers included.

"That to recruit this army to what it was last year, will require a reinforcement of at least 11,885 regular old troops.

"That the numbers in old corps in Great Britain, Ireland, Gibraltar and Minorca, together with the new levies which are raising, appear to us on a full examination of all the various services, to be such as not to render it in any degree prudent or safe to remove any part of the said troops to America, at a time when so great a part of our land and sea force is already in that remote part of the world, at too great a distance to assist this country in case of a sudden emergency.

"That it appeared that the navy in North America would also want a very great reinforcement of ships and men.

"That from this view of things, we are led to conclude, that if the whole force in North America (which for these last two years has been so greatly superior to what there seems to be any possibility of making it in the course of this year) has made so little impression towards the reduction of the provinces by arms, at a time when they were very deficient in military preparations of all sorts, had neither money, arms, ammunition, magazines, clothing, discipline or government, when the assistance they might receive from foreign nations was far less than it has been since, and is likely to be in future, by the avowed part which France has taken; it is not reasonable to suppose that they may now be reduced by a force, which we cannot make even equal to that which has failed, under circumstances in every respect more favourable.

"That with regard to our naval strength in Europe, it appears that far from being in that respectable condition, which it has often been officially represented by the first lord of the Admiralty in the course of this session, that essential part of our strength is no ways answerable to the vast sums expended on it, or to the various and extensive services which it may be called very shortly to fulfil.

"That the value of the captures made by the Americans on the merchants of Great Britain, amount to upwards of 2,600,000*l.*

"That the African trade is almost annihilated, having suffered a diminution of no less than 1,400,000*l.* per annum.

"That the West-India islands are much distressed, and that the great increased price of many essential articles of trade, and particularly of naval stores and insurance, are such a burthen on the commerce of this kingdom, as must greatly affect its prosperity.

"That the expences on account of this war, over and above the ordinary high expence of a peace establishment, as it has been voted of late years, would, with the extraordinary charges not yet provided for, amount to near 24 millions, if peace was instantly concluded; but if the American war alone is continued only for one campaign more, the additional expence will probably amount to nine millions, making in all 33 millions expended in this contest. Such an increase of debt, the interest of which is equal to the net produce of the land tax at 3*s.* in the pound, added to our former burthens, will, we fear, with our diminished trade, be difficult for this country to support with national faith.

"That we have made some enquiry into the manner in which certain parts of this enormous expenditure have been conducted, and we are sorry to find that the mode of contracting and engaging for the transports and supplies of the army has been unusual and prodigal, and such as affords ground for suspicion of corrupt management.

"That the state of public credit is truly alarming; the small decrease of the national debt, amounting scarcely to ten millions in the course of 15 years of peace, bears no proportion to the vast increase in times of war: it requires no calculations to prove that a debt, continually augmenting, must end in a manner we are unwilling to think on. The national debt has increased 100 millions in the memory of many of us; the natural period and inevitable consequence of this system appears to be at hand. As one principal foundation of credit is a confidence in government, we have much to apprehend under ministers who have justly forfeited the good opinion of the nation; the want of confidence complicated with the effects of this enormous, and enormously growing debt, appears from the low state of the public funds, and from the discredit of the new loan, which sells considerably under par, although the terms given this year for six millions, are higher than those which were given for 12 millions in 1761, in the seventh year of a war with the House of Bourbon, and although we have hitherto had no foreign war whatsoever.

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"That from this melancholy state of facts, we see it impossible to carry on the present system of reducing America by force of arms.

"That we conceive this impossibility not to have arisen from the accidents of this war, but to result from the very course of nature; to be the necessary consequence of an attempt to reduce to servitude a numerous people united in the defence of their liberties, in a distant, extensive and strong country.

"That we conceive that his Majesty and the parliament could not have been induced to prosecute so fatal a war, but from being misled in the information they received of the disposition of the people in America, of their disunion, and of the possibility of reducing them by force of arms to unconditional submission, and to the acknowledgment of the supreme authority of parliament, before a complaint even of just grievances should be listened to.

"That it was the peculiar duty of his Majesty's ministers to procure correct information on matters of such high importance, and to have laid the whole of such information before his Majesty, and before parliament, previous to their proposing such steps as have led us into our present calamitous situation.

"That we cannot but lament that when propositions of a similar nature to those lately proposed and enacted, were three years ago repeatedly offered to parliament in both Houses, his Majesty's ministers, the very men who now have advised greater concessions, did, upon delusive arguments and false representations, prevail on parliament to reject those propositions at a time when they would probably have been successful, and might have prevented the prodigal, and, we fear, fruitless waste of so much treasure, and still more to be lamented effusion of so much blood.

"That, under these circumstances, we can give his Majesty no other advice than instantly to withdraw his fleets and armies from the thirteen revolted provinces, where they are decaying and wasting, where they subsist with difficulty, cost immense sums of money, can answer no good purpose, particularly at this time when they are much wanted for our security at home; to effectuate conciliation with the colonies on such terms as may preserve their goodwill, on the preservation of which the future greatness of this nation may, in a great measure, depend.

"That the armaments long since preparing in the ports of France and Spain, and the late declaration of the French ambassador, although natural, are melancholy consequences of the measures which have been pursued, and make it indispensably necessary to view our situation in a new light: that we are no longer to consider ourselves as contending solely for dominion over others; we are to look to our own safety; we are to rescue, if possible, what remains of this empire, from the further effects of those measures by which it has been reduced to its actual limits. And as we apprehend that the present calamities have arisen in a great degree from the degeneracy of the times, and a departure from the true principles and spirit of our constitution, it would be highly expedient to endeavour at some sober well-digested plan of public reformation, in order to restore the ancient morals, and revive the original character of this nation.

"That we think it our duty on offering to his Majesty this unhappy but true representation of the state of his dominions, to express our indignation at the conduct of his Majesty's ministers, who have caused it; who, by abusing his confidence, have tarnished the lustre of his crown; who, by their unfortunate counsels, have dismembered his empire, wasted the public treasures, sunk the public credit, impaired the commerce of his kingdoms, disgraced his Majesty's arms, and weakened his naval power, the pride and bulwark of this nation; whilst, by delaying to reconcile the differences which they had excited amongst his people, they have suffered an alliance to take place between the former subjects and the antient rivals of Great Britain, and have neither taken measures to prevent, nor formed alliances to counteract so fatal an union.

"That in this calamitous, although they trust not desperate situation of public affairs, this House reposes its ultimate hope in his Majesty's paternal goodness: that we have no doubt that he will look back to the principles, both political and constitutional, which gave rise to the Revolution from whence we have derived the happiness of being governed by princes of his illustrious House: that he will reflect on the examples of his predecessors from that auspicious period, during which the prosperity, the opulence, the power, the territory, and the renown of his throne and nation, have flourished and increased be-

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yond all example: that he will particularly call to mind the circumstances of his accession to the crown, when he took possession of an inheritance so full of glory, and of the trust of preserving it in all its lustre: that, deeply affected with these considerations, he will be graciously pleased to put an end to a system too well understood in its nature, and too sorely felt in its effects, which by the arts of wicked men has prevailed in his court and administration, and which, if suffered to continue, will complete the miseries which it has begun, and leave nothing in this country which can do honour to his government, or make the name of an Englishman a matter of that pride and distinction in which his Majesty and his subjects had so much reason to glory in former happy times."

Viscount *Weymouth* opposed the Address. The greater part of it, he said, consisted of resolutions which had already been submitted to the opinion of their lordships, and had been rejected by a considerable majority; that the very same reasons operated for negativing these resolutions when thrown into the form of an address. The noble duke had said, that no one lord had denied the truth of each of the resolutions when urged, that therefore it was allowed on all sides that they were truisms; in this point he could not agree with the noble duke; it was true the resolutions were not controverted when offered, but it by no means followed that they were admitted as facts; before that could be done, it would have been necessary for their lordships to have investigated them with a much larger share of care and time than they had bestowed on them; that, in fact, they were deemed inexpedient to be agreed to, even if they had been well founded, and therefore their real foundation in fact, had not been considered, and consequently it was not to be presumed that their lordships were convinced of their being true. The prayer of the Address was of two parts; the one desiring his Majesty to withdraw the troops and fleet from America; the other desiring his Majesty to dismiss his ministry. Both of these points had before been agitated and rejected, by the previous question having been moved upon them, and carried. With regard to the first, the same arguments were still in force as had been urged against it before, namely, the impolicy of the measure, and the improbability that America would treat about terms of conciliation, when this country had, by an act of her own, given her to understand, that we despaired of conquest. Another reason which now very powerfully spoke against it was, our situation with France; a situation which rendered the smallest hint of our consciousness of being incapable of resisting an attack highly imprudent; and as there was not any real occasion to suppose ourselves in so defenceless a state as the noble duke had alleged, it was still more imprudent to give room for any such suspicion. Besides, it was one of the first prerogatives of the crown, to have the disposing and directing of the naval and military force of the kingdom; but if their lordships should agree to the Address, it would deeply affect the acknowledged right the King has over his fleets and armies, and of course be a direct invasion of the executive power.

With regard to the other object of the prayer, the dismission of the ministry; it might be thought rather indelicate for him, who was in some measure a party concerned, to speak to it; as those, however, who knew him, he trusted would believe him, when he declared, his employment was the last object of his consideration, he should not hesitate to repeat that it would be an act of violent injustice, to convey to the King so severe a censure upon his servants, before they had been heard speak in their defence. He added, that it was the King's prerogative to appoint his own servants; that if they were guilty of any misconduct, they were open to public inquiry; and if convicted upon competent proof were certainly objects of parliamentary complaint, and of parliamentary prayer for removal. It had been said, did ministers consider their places as their freeholds? Did they hold them as a matter of right? Did they deem their dismission from employment a punishment? Certainly no. The King, who honoured them with his commands, could, whenever he pleased, dispense with their services; and when his Majesty thought proper to do so, no one member of administration would think himself punished.

The Earl of *Chatham* rose:

His lordship began by lamenting that his bodily infirmities had so long, and especially at so important a crisis, prevented his attendance on the duties of parliament. He declared that he had made an effort almost beyond the powers of his

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constitution to come down to the House on this day (perhaps the last time he should ever be able to enter its walls) to express the indignation he felt at an idea which he understood was gone forth, of yielding up the sovereignty of America!

My lords, continued he, I rejoice that the grave has not closed upon me; that I am still alive to lift up my voice against the dismemberment of this ancient and most noble monarchy! Pressed down as I am by the hand of infirmity, I am little able to assist my country in this most perilous conjuncture; but, my lords, while I have sense and memory, I will never consent to deprive the royal offspring of the House of Brunswick, the heirs of the princess Sophia, of their fairest inheritance. Where is the man that will dare to advise such a measure? My lords, his Majesty succeeded to an empire as great in extent as its reputation was unsullied. Shall we tarnish the lustre of this nation by an ignominious surrender of its rights and fairest possessions? Shall this great kingdom, that has survived whole and entire the Danish depredations, the Scottish inroads, and the Norman conquest; that has stood the threatened invasion of the Spanish armada, now fall prostrate before the House of Bourbon? Surely, my lords, this nation is no longer what it was! Shall a people that seventeen years ago was the terror of the world, now stoop so low as to tell its ancient inveterate enemy, take all we have, only give us peace? It is impossible!

I wage war with no man, or set of men. I wish for none of their employments; nor would I co-operate with men who still persist in unretracted error; or who, instead of acting on a firm decisive line of conduct, halt between two opinions, where there is no middle path. In God's name, if it is absolutely necessary to declare either for peace or war, and the former cannot be preserved with honour, why is not the latter commenced without hesitation? I am not, I confess, well informed of the resources of this kingdom; but I trust it has still sufficient to maintain its just rights, though I know them not. But, my lords, any state is better than despair. Let us at least make one effort; and if we must fall, let us fall like men!*

[When his lordship sat down, earl Temple said to him, "You forgot to mention what we talked of—Shall I get up?" Lord Chatham replied, "No, no, I will do it by and by."]

The Duke of *Richmond* said, the noble viscount (Weymouth) objected to the Address, because the matter contained in it has already received a negative; and because the facts, though not controverted, were not proved. The noble viscount must have totally forgot; for the propositions were not negatived, but postponed; the very mode of getting rid of them proved it. If they had been negatived, the noble viscount well knows that they could not be offered to your lordships' consideration a second time, in the course of the same session. The truth is, my lords, that the propositions were acknowledged to be so many truisms, but not proper to be assented to; because such an assent would contain a full parliamentary acknowledgment of the weak and defenceless state of the nation. The time is past when such an argument, if it ever deserved any attention, can avail. France has already declared her intentions; the facts are before the public. I might with great justice add, France knew them long before they were either known or acknowledged in this House. But, my lords, the true motive for postponing to resolve them at one time, or for not admitting them now, is come out. They were early foretold by a learned lord (Camden). He prophesied, that when the ultimate measure came to be pointed out, the House would have no premises to proceed on. The facts were, that such was the state of our army, navy, &c. that we could no longer carry on the war in America with any prospect of success; and that the present calamitous situation of this country was occasioned by the ignorance and misconduct of ministers. The first of these would be a foundation for withdrawing the troops; the last would be a sufficient ground for the removal of ministers. This was the prediction of the noble and learned lord; and such is the conduct of the noble viscount. Without facts the House could not come to a conclusion. The last point, as to the matters of fact spoken to by the noble viscount,

* The following Report of the Earl of Chatham's Speech upon this occasion, is taken from the London Magazine:

The Earl of *Chatham* followed lord Weymouth. He appeared to be extremely feeble, and spoke with that difficulty of utterance which is the characteristic of severe indisposition. His lordship began with declaring that his ill health had for some time obliged him to

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exactly corresponds with the other. The noble viscount tells you, that although the facts were not controverted, they were by no means admitted. I appeal to your lordships whether this was or was not the case; and whether, in almost every instance, they were not admitted as so many truisms? But even though the noble viscount could not support this assertion on the ground he has taken it upon; would it not be a fair logical inference to presume, that in so solemn an investigation as that of an enquiry into the state of the nation, when matters of the first rate consequence came in proof, and that from documents lying on your lordships' table, that whatever was contained in those documents was admitted, because it was not controverted?

The noble viscount says, the prayer of the proposed Address consists of two parts: it recommends that our fleets and armies be withdrawn from the towns and coasts of the thirteen revolted provinces, and for the removal of ministers. I grant it; but, says the noble viscount, the first is a very improper restriction on the royal prerogative. His Majesty ought to be left to his own determination; it is to be presumed that he will act with suitable wisdom and propriety, in directing and employing the force of the state entrusted to his care. The second, recommending a removal of his ministers, is equally improper, and

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absent himself from the performance of his parliamentary duty; he rejoiced, however, that he was yet alive to give his vote against so impolitic, so inglorious a measure as the acknowledgment of the independency of America; and declared he would much rather be in his grave than see the lustre of the British throne tarnished, the dignity of the empire disgraced, the glory of the nation sunk to such a degree as it must be, when the dependency of America on the sovereignty of Great Britain was given up. The earl next adverted to the conduct of the court of France, and observed, that at a crisis like the present, he would openly speak his sentiments, although they might turn out to be dangerous. As a reason for throwing off reserve, he said he did not approve of halting between two opinions, when there was no middle path; that it was necessary absolutely to declare either for peace or war, and when the former could not be preserved with honour, the latter ought to be declared without hesitation. Having made this remark, he asked, where was the ancient spirit of the nation, that a foreign power was suffered to bargain for that commerce which was her natural right, and enter into a treaty with her own subjects, without instantly resenting it? Could it be possible that we were the same people who but sixteen years ago were the envy and admiration of all the world? How were we altered! and what had made the alteration? He feared there was something in the dark, something lurking near the throne, which gave motion to administration—something unseen, which caused such pusillanimous, such timid, such dastardly councils. What! were we to sit down in an ignominious tameness? to say, "take from us what you will, but in God's name let us be at peace?" Were we blinded by despair? Could we forget that we were Englishmen? Could we forget that the nation had stood the Danish irruptions? had stood the irruptions of other nations! had stood the inroads of the Scotch! had stood the Norman conquests! had stood the threatened invasion by the famous Spanish Armada, and the various efforts of the Bourbon compacts! Why, then, should we now give up all, without endeavouring to prevent our losses, without a blow, without an attempt to resent the insults offered us? If France and Spain were for war, why not try an issue with them? If we fell afterwards, we should fall decently, and like men.

Having spoken with some enthusiasm upon these points, his lordship said he waged war against no set of men, neither did he wish for any of their employments: he then reverted to the subject of American independency; and after recalling the attention of their lordships to the extent and revenue of the estate of the crown of England, when the present King came into the possession of it, asked what right the Houses of Parliament had to deprive the prince of Wales, the bishop of Osnaburgh, and the other rising hopes of the beloved royal family, of the inheritance of the thirteen American provinces? Sooner than consent to take away from any of the heirs of the princess Sophia, what they had a legal and natural right to expect to possess, he declared he would see the prince of Wales, the bishop of Osnaburgh, and the rest of the young princes, brought down to the committee, and hear them consent to lose their inheritance. The earl declared he was exceedingly ill; but as long as he could crawl down to that House, and had strength to raise himself on his crutches, or to lift his hand, he would vote against the giving up the dependency of America on the sovereignty of Great Britain; and if no other lord was of opinion with him, he would singly protest against the measure.

With regard to our power to carry on the war, or commence a new one with France, there were, he said, means, though he knew not what; if, however, he was called upon to give his advice, he would give it honestly; and though, from his exceeding ill state of health, he feared he had not abilities enough to ensure to the execution of his measures the wished for success, he would make some amends by his sincerity.

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contains, besides, a charge against ministers, and recommends condemnation, without the parties being permitted to be heard in their own defence. Now, I totally differ from the noble viscount, that recommending to withdraw the troops implies any restriction whatever. It only relates to a matter of state, and does not, in the most remote degree, tend to tie up the hands of the sovereign. His Majesty may station or send the troops to any part of the world he pleases: the advice simply relates to the employing them in hostilities against the revolted colonies. The noble viscount's argument relative to the removal of ministers, is no less ill supported: he presumes, that removal imports accusation; and that ignorance or misfortune amounts to criminality. I am sure he cannot be serious, because the contrary has been the constant language of ministers and their friends, since the commencement of the present enquiry. If, then, inability or misfortune are not criminal, a removal on those grounds cannot import accusation, much less condemnation. But, my lords, independent of this, I can see nothing in the argument. I will allow, if removal amounted to the same thing as a bill of pains and penalties, the charge should be carefully made and fully proved; but is that the case at present? Ministers, though they are the king's servants, are likewise the servants of the public. The king himself is to be considered in that light; he is the first, but he is nevertheless no more than the first magistrate. If, therefore, parliament and the people, whose servants ministers are, disapprove of their conduct, it is the duty, as it ought to be the wish of the king, to dismiss them from their places and employments. The noble viscount says, that charges should be accompanied with proofs. If he wants proofs of incapacity, I believe your lordships have been amply furnished with them in the course of the enquiry. If any more are wanting, look to the present perilous situation of this country.

The noble earl who spoke last, for whose person and opinions I entertain the highest veneration, thinks, that the interest and honour of this country unite in obliging us to hazard every thing in securing the dependency of the colonies; and, as a ground of what we are able to do, reminds us of what we have formerly achieved. Not one of your lordships has a more grateful memory of the services performed for his country, by that noble lord, than I have: he raised its glory, reputation, and successes to an height never before experienced by any other nation. His lordship's name (I beg his pardon for mentioning it) the name of Chatham, will ever be dear to Englishmen; but when I grant this, I am convinced that the name of Chatham is not able to perform impossibilities; and that even high and respectable as it is, I do not think that the present state of this country by any means accords with what it was when the noble lord was called to direct our councils. Our finances were then in a most flourishing state, through the abilities and indefatigable zeal of that truly great man and able financier, Mr. Pelham; our fleet was in a most respectable condition, and under the direction of a most able naval officer, and noble member of this House (lord Anson). The influence of the crown had not yet got to the alarming height it has since arrived at. We had, for the most part of the war, but France singly to contend with; and when Spain took a part against us, France was exhausted to the lowest ebb; her navy was almost annihilated; and the principal part of her colonies in the new world wrested from her, and in our possession. We had then America for us; we have now America against us; instead of Great Britain and America against France and Spain, it will now be France, Spain, and America against Great Britain. If the noble lord had, indeed, pointed out the means of supporting ourselves in such an unequal contest, I should readily acquiesce in his lordship's sentiments; but as his lordship has not only omitted to point out the means, but has acknowledged that he knows them not, I presume he will excuse me, if I adhere to my former opinion. I am as ready as any man, to acknowledge and repeat, that the noble earl carried the glory of the nation to a higher pitch than had been known at any former period; but if his lordship were to come in now, he would come in under very different circumstances.

My lords, there is not a person present, who more sincerely wishes that America should remain dependent on this country, than I do. But as I am convinced that it is now totally impracticable, I am anxious to retain them as allies, because if they are not on terms of friendship with us, they must necessarily throw themselves into the arms of France; and if we go to war with France on account of her late treaty, the colonies will look upon themselves

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bound in honour to assist her. What prospect of success have we? We have lost 11,000 men in the course of the last campaign. Our peace establishment is between 5 and 6,000 short of its complement. Make this up out of the new corps, or send all the new corps to America to repair the losses of the last campaign; is there one of your lordships, or a single minister present, who will rise and say, that there is the least prospect of supposing, that raw undisciplined troops will be able to effect what veterans could not? It is absurd to expect success, though you had no power but America to contend with. But if appearances were more favourable, how can money be raised? You are now obliged to borrow money in the third year of a war, at a higher premium than you were in the seventh year of the late war, attended with this circumstance too, that the loan was then twelve, whereas it is now six millions; and yet, high as the premium is, the subscribers are considerable losers; so considerable, that an application has been talked of to parliament, to indemnify them for their losses.

The noble earl, as a reason for inducing your lordships to go to war, talks of the injustice that must follow to the inherent rights of the heir apparent and his brother, by disposing of their American patrimony. I am ready to assist the noble lord, not in endeavouring to recover what I deem now totally impracticable (I mean by force of arms) but in calling to a severe account, those who have been the cause of the loss of their inheritance. Much has been said, in a former debate, of the provocation given by France, on account of her conduct respecting America, to prove, that we are compelled to resent it, in the most spirited and direct manner. Queen Elizabeth, it is well known, openly abetted the revolt of the Spanish Netherlands, in the reign of Philip the 2nd, and assisted them for a series of years, with men and money. Philip, far from resenting it, scarcely seemed to take the least notice. His hands were then sufficiently full; and he never looked upon himself bound, either in honour or policy, to create more enemies than he was able to contend with; and yet Philip was at that time the most powerful prince in Europe.

The Earl of *Chatham* rose to reply, but after two or three unsuccessful attempts to stand, his lordship fell down in a swoon on his seat, and was immediately assisted by the duke of Cumberland, and the earls Temple, Stamford, &c. His lordship was removed into the Prince's Chamber, and Dr. Brocklesby, who happened to be near, immediately attended his lordship.*

* The following Account of Lord Chatham's Illness in the House of Lords, is taken by memory from the Conversation of a Friend, who was in the House at the time, and saw the whole transaction. See Seward's Anecdotes of Distinguished Persons, vol. 2, p. 383.

"Lord Chatham came into the House of Lords, leaning upon two friends, lapped up in flannel, pale and emaciated. Within his large wig, little more was to be seen than his aquiline nose and his penetrating eye. He looked like a dying man; yet never was seen a figure of more dignity: he appeared like a being of a superior species.

"He rose from his seat with slowness and difficulty, leaning on his crutches, and supported under each arm by his two friends. He took one hand from his crutch and raised it, casting his eyes towards Heaven, and said, 'I thank God that I have been enabled to come here this day—to perform my duty, and to speak on a subject which has so deeply impressed my mind. I am old and infirm—have one foot, more than one foot in the grave—I am risen from my bed, to stand up in the cause of my country—perhaps never again to speak in this House!'—A prophecy too fatally fulfilled!

"The purport of his speech is well known. The reverence—the attention—the stillness of the House was most affecting: if any one had dropped a handkerchief, the noise would have been heard.

"At first he spoke in a very low and feeble tone; but as he grew warm, his voice rose, and was as harmonious as ever; oratorical and affecting, perhaps more than at any former period; both from his own situation, and from the importance of the subject on which he spoke. He gave the whole history of the American war; of all the measures to which he had objected; and all the evils which he had prophesied, in consequence of them; adding at the end of each, 'And so it proved!'

"In one part of his speech he ridiculed the apprehension of an invasion, and then recalled the remembrance of former invasions. 'Of a Spanish invasion, of a French invasion, of a Dutch invasion, many noble lords may have read in history; and some lords (looking keenly at one who sat near him) may, perhaps, remember a Scotch invasion.'

"While the duke of Richmond was speaking, he looked at him with attention and composure; but when he rose up to answer, his strength failed him, and he fell backwards. He was instantly supported by those who were near him, and every one pressed round him with anxious solicitude. His youngest son, the hon. James Pitt (since dead), was particularly active and clever in assisting his venera-

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As soon as the confusion occasioned by this public calamity subsided, the duke of Richmond rose, and after giving a warm testimony to the great political abilities and integrity of the noble earl, whose illness had caused the interruption of the debate, and acquainting their lordships he had the pleasure to inform them, that the noble earl's illness, though violent, he had reason to hope was but temporary, and occasioned by weakness and the excessive heat of the House, said he thought it would be better to adjourn the debate till the next day. The House unanimously agreed to it, and accordingly adjourned.

April 8. The order of the day being read for resuming the adjourned debate on the State of the Nation,

The Duke of *Richmond* rose, and having lamented in very warm terms the unlucky accident which had the preceding day caused the House so suddenly to rise, said he had the pleasure to inform their lordships that the issue was not likely to prove fatal in its consequences, as appearances at first seemed to threaten; for he had learned since he came into the House, that the noble earl was much better, and that he was not without hopes of soon seeing his lordship in his place, and in a capacity once more to serve his country, by the performance of his duty in that House. His grace then reminded their lordships, that his motive for resuming the subject of yesterday's debate was merely to give any of their lordships who might desire it, an opportunity of speaking to the question. He had himself so fully spoken to the several objects which it involved, that he should not think of troubling them again, unless in reply. The motion itself was drawn up so much in detail, that it called for very few arguments to support it. On the whole, if any new matter should arise which might make his rising necessary, he should do all in his power to give their lordships such explanations as the matter itself might call for.

The Earl of *Shelburne* began with paying very high compliments to their lordships, on the great attention shewn to the noble earl (Chatham) who had been taken ill the preceding day. He said, their conduct upon that melancholy occasion, was such as might be naturally expected from persons of their nice and generous feelings, and was worthy of the highest encomiums. It was a mark of respect, as well as of humanity, to adjourn the debate; and for his part, looking upon himself to be highly interested in an event which so nearly concerned the great man alluded to, he was greatly obliged to them. He confessed, he was much alarmed on the occasion, both on account of his personal esteem for the noble earl, and, what was of more consequence to their lordships and the nation, the fatal consequence of the death of a peer, to whose wisdom, abilities, and happy and fortunate exertion of talents, this country stood so highly indebted, and whose assistance would at this perilous moment be so much wanting. He assured their lordships, that it would have been utterly impossible for him to have delivered his sentiments on the question before the House at the time, so sensibly was he affected; nor could he have yet collected himself sufficiently to speak to the subject, if the cause which first prevented him had not been removed in a great measure; the apprehension that the noble earl's illness was likely to prove fatal: his apprehensions were in part removed, thank God, by an appearance of the noble earl's being in a fair way of recovery.

His lordship, by way of introduction, gave a particular account of his own sentiments respecting America, and of the previous steps he took before he finally made up his mind on the subject. He was resolved to have the noble earl's opinion, pure and genuine, unmixed with compliment, or biassed by any personal regards. He accordingly forbore to hint his own opinion, till after the noble earl had fully given and explained his; and was much pleased to find, that it exactly coincided with what he had himself delivered in a debate, a few days since in that House. He was no less surprised at the matter, than the manner in which the

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ble father, though the youth was not more than 17 or 18 years of age.

"Lord Chatham was carried to Mr. Sergent's house, in Downing-street, where he was accommodated with every kind and friendly attention, both at this time and on a preceding day, when he had attended the House of Lords, some weeks before. From thence he was carried home to Hayes, and put to bed. He never rose again! Therefore his death may be properly said to have happened in the House of Lords, in the discharge of his great political duty: a duty which he came, in a dying state, to perform!

"Such was the glorious end of this great man!"

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noble earl gave his sentiments, considering his state of health; so sound in argument, so spirited, and at the same time, so replete with conviction, that he protested, if he had before doubted, he must have come away confirmed, or had he differed, must have become a convert. This interview took place before he last spoke on the subject, but he thought it would be unparliamentary and unbecoming the respect he owed their lordships, to trouble them with the opinions of persons without doors. He acknowledged, it gave him great pleasure to have his opinion confirmed by so high an authority; and he thought it proper, before he proceeded to consider the several parts of the question, to make this general declaration, that after maturely considering the question in every possible point of view, he was fully convinced that America was not lost, and that a war was inevitable. If the result of his enquiries on both those points had led him to adopt a contrary opinion, he would have ingenuously recanted, and that in as open and explicit a manner as he delivered his original sentiments, which he found himself obliged to adhere to.

After passing the highest compliments on the abilities, patriotism, and vigour of mind of the noble earl, his lordship proceeded. He laid it down, as the basis of every thing he was going to offer, what fell from him in a former debate, "That the moment Great Britain acknowledged the sovereignty or independency of America, her sun was set; and that he thought in his conscience a war with France was unavoidable." He confessed, he differed from the majority of his nearest friends in this opinion. He differed from those with whom he lived and conversed; with those who stood in the firmest bands of intimacy and friendship with him. He differed from those who lived under the same roof with him. He had received private letters from his acquaintance; from anonymous correspondents. He had been advised, intreated, soothed, admonished. He had been warned of the perilous ground he stood on. He had been told, What, will you join with the destroyers and betrayers of your country? Will you accept of a place, or join an administration who have already proved, in such a variety of instances, their wickedness and imbecility? Will you trust where you have been already betrayed? Will you hazard your own honour and safety, your reputation, nay, the very existence of this country, to your own opinion? These, my lords, form but an imperfect picture of the solicitations, warnings, dissuasives, and motives, that have been urged to induce me to change my opinion; but they have all proved fruitless. I look not to consequences. I prefer my duty to every other consideration. I look upon this House as my home. I think of nothing which does not directly affect me, as one of this august body. I know that no honest man, who thinks as I do, can lend his countenance to administration; but I know, too, that in this House I am bound to maintain whatever is right, independent of every other consideration. I have not been concerned in business for upwards of ten years. I know the madness of embarking, in some instances, with men whom one does or does not know; but still, though no other person in this or the other House, or within the wide domain of the British empire, thought with me, I should nevertheless retain my present opinion alone, and continue to oppose the sovereignty of America.

But, my lords, suppose that we were willing to allow the claim of independence; that we were ready to sacrifice the most essential interests of this country; are we likely to turn our backs upon the laws of eternal justice? Are we to make a sacrifice of national faith? What is to become of those unhappy men, who from their loyalty, no matter whether right or wrong, have lost every thing in defending the cause of Great Britain? What will become of the infant children of the late Mr. Penn, the descendants of that great man, the proprietor and legislator of Pensylvania, to whose abilities, labour and attention, America owes the greatest part of her present power and opulence? What will become of the property belonging to a noble viscount in my eye (lord Weymouth)? or of the heirs of the late lord Baltimore? What will become of those men, who have been compelled to fly from their native country; and who, if American independency should prevail, will be the first persons to suffer under American proscription; who will be banished for ever from their native country, and despoiled of their estates and possessions? What will become of the most useful, and one of the most respectable bodies of men in the nation, the merchants, particularly those of the city of London, who have all along conducted themselves in so candid and moderate a manner, and have now nearly

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two millions of property lying in America? All these several descriptions of men must be totally ruined, or materially injured.

My lords, these are but a small part of the misfortunes we must feel, and the injustice we must inflict on the innocent and helpless: a small part of the disgrace we must incur, should America be declared independent, or should we tamely put up with the insults offered to us by France. Suppose we should declare America independent, are we certain that America will stop short in her pretensions? Though the people at large may rest contented, are we certain the Congress will? I have a high opinion of the Congress, as a deliberative body. I am ready to acknowledge, that the views of the people of America are limited to a preservation of what they deem their own proper rights. What does this prove? That if the good sense and moderation of the people were to prevail, and that power were not employed to improper uses, nothing but a mere separation would be to be dreaded. The history of mankind holds another language. The conduct of public affairs here at home, has recently proved it. A few men, possessing the power and offices of the state, employed that power not in acts of justice or sound policy, but in realizing dreams of senseless unattainable ambition; they told the nation that the sword should never be sheathed, till America agreed to unconditional submission. Who, then, knows but the Congress, when they have attained their object of independency, may look further; and having the art of holding out false lights to the people, may inspire them with expectations of conquest and extent of dominion. Should this be the case, the remainder of America must fall. I have heard it whispered, as being a subject of the petty negociations, carried on by our phantoms of ministers, that St. John's and Cape Breton have been already demanded by American agents. Should this prove true, away goes the fishery and 20,000 seamen. After this will follow the West India islands, and in process of time, Ireland itself; so that we should not have a single foot of land, beyond the limits of this island.

The noble duke who has taken such indefatigable pains in the course of this enquiry, and to whom the nation stands so highly indebted, differs very much from the noble earl, and from those sentiments which I again avow to be mine. For my part, I think the noble earl, though a martyr to illness, and scarcely able to speak, delivered himself like an able and honest man, in the foregoing part of this debate. His advice was full of wisdom; and plainly contained the sentiments of a man, jealous for the honour of his country; eager to preserve the rights of the crown in their fullest extent; and anxious to maintain the ancient established character of the nation, by instantly repelling the insult offered by the court of France. The noble duke wishes, in order to avoid the hazard and expence of a foreign war, that America were declared independent. He agrees with the noble earl, that the insult is great; but he thinks, that the present state of the nation renders it not advisable to seek redress for this insult. His grace has observed, that the noble earl said, there were means, but he knew not what. I am precisely of the same way of thinking with the noble earl. I know there are means, but I do not pretend specifically to point them out. It was not the proper business of the noble earl to enter into the detail of them. His lordship would require that at other hands; he would call to one man for an army; to another for a fleet; he would look for money from the people; and he would employ the means, thus drawn from their different channels, effectually. The noble earl, when called to the head of affairs, during the late war, found the nation in a state of despondency. It did not, however, long remain so. France soon felt that we had the means, and that we knew how to use them. Religion and freedom will always inspire the inhabitants of this kingdom with an ardour, and courage, and perseverance, that will lead them to victory, when those are properly directed. It is the business of a minister, to put the proper springs in motion; to call forth the spirit of the people, to induce them to open their purses, to create a confidence in his measures; to unite the hand and purse, to warm the heart, and convince the understanding. With such means, war need not be feared, nor its event dreaded; and I will maintain, that accompanied with such circumstances, an immediate declaration of war would be both the wisest as well as most honourable step we could take; and the most likely to preserve peace, and of obtaining America. This, my lords, may appear paradoxical; but I shall nevertheless continue to think, that war can only lead us to a safe and honourable peace, and to the recovery of

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America. The noble duke's reply of yesterday, to what fell from the noble earl, was founded principally upon that expression of his lordship, which I have just alluded to, "That there were means for this country to go to war with France, though he knew not what." This expression, the noble duke misinterpreted, and asked how the noble earl could talk of the policy of going to war, when in the same instant, he acknowledged he knew not the means? The expression, my lords, I think, is exceedingly defensible. It was a mere mode of speaking. It was not the place, nor was it necessary, that the noble earl should explain, in the hurry of debate, nor disclose plans more proper to be considered elsewhere. Possibly, the noble duke would not rest contented with general assertions; he would call for more substantial proofs. He would ask, where are the men, where is the money? I answer his grace, I see the bar full of men, there are three or four hundred now in *this* House. The streets of London are full of men. I see men every day pass in crowds on the Bath road, which was one continued street almost, abounding with passengers, horses and carriages, till the late distresses thinned it. Look round you on every side, and see what a scene of population and opulency presents itself. Look into Hyde-Park, St. James's-street. Look into the city, there is money enough there. Perhaps the noble duke will say, though there is money enough there, the minister could not, notwithstanding all the plenty, obtain the late loan, but on very disadvantageous terms. Let the noble duke consider, there is an essential difference between having money, and lending it. The monied men, and I think very wisely, have no confidence in the present administration, they will not trust their money in such hands. No honest or intelligent men would; and whoever did, not only did a foolish thing, but actually did their country a disservice. Let the present blundering set of ministers resign: let honest and capable men fill their places. Men capable of giving spirit and vigour to the operations of government. Let the present paltry practices of petty private negociations be given up. Let every thread of the secret system be cut, and all those little low schemes of crafty lawyers, devised by *them to* sooth their own vanity, be abandoned. Let the public be convinced, that *their money* is honestly and fairly expended; not spent in private jobs; not wasted, in maintaining a set of servile dependents, or corrupting the representatives of the people in parliament. Let every operation of government be as open as day-light; and then any loan the service of the state may require, will, I venture to promise, be easily obtained. I have a great esteem for several individuals in France; but though the people of this country are much degenerated from what they were, I would have the noble duke consider the sort of people we shall have to contend with, infinitely more degenerated than us, should a war ensue. Men who have lost all that love of glory, military prowess, and superior discipline, which was known to prevail during the reign of Louis the 14th; I profess, I believe such is the spirit of our very women, that if the combat were left to them alone, they would be equal to the task of driving the French out of this kingdom, should they attempt to invade us.

The present ministry have been the ruin as well as disgrace of this country. They trifle, they negociate, they patch up; and the whole of their evasions and tricks is but a patch-work, formed of shreds of pitiful expedients. The whole of their conduct, since the shameful transaction about Falkland's island, has been entirely in this way. If other men were at the helm, France dared not act in this manner; her ministers know it. Vergennes, one of the ablest men in France, has said as much: I have it from the best authority. He has ludicrously complimented them on account of their political sagacity. He acknowledges their ways to be past finding out. He says, no man can tell the next thing they mean to do; and he, or some other of the French cabinet, has said, whilst the present ministers stay in, France has too much good sense to go to war. This country should have long since determined for peace or war. I have heard much of invasions, but I know France and Spain both to be vulnerable in many places. But four years since, a revolt might have been easily fomented in Brittany; the inhabitants were ripe for insurrection. Much is said of the disposition and compact figure of France. I believe they are far from being so united, as some persons would persuade us. Spain, in many respects, is equally vulnerable. I know a particular part of that kingdom, which I shall not now name, where she might be easily and successfully attacked.

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France, in the early stages of our dispute with America, ought to have been brought to declare herself openly and directly. Ministers were told, day after day, that France would interfere; France did interfere; ministers were told of the fact, till the noble lords on this side of the House were tired. Every species of apology was resorted to; and at length, when hard pressed, the minister of the day rose, and gravely assured your lordships, that he had received the most satisfactory and friendly assurances from the court of France. Ministers were blind, or pretended to be blind; they acted like traitors or ideots. Instead of immediately compelling France to desist, they presented remonstrances of the most mild and humiliating tenor, and bullied the United Provinces, their only friends. In the true spirit of their whole conduct, they crouched to their enemies, their natural and powerful enemies; and basely bullied and insulted their less powerful friends.

The very worst state a nation can possibly fall into is that of despondency, as where it gets root to any great degree, it seldom fails to terminate in ruin. The history of Europe exhibits numberless instances of its fatal effects, and Great Britain ought now to avoid it as its bane, for, I profess I do not perceive any real cause to despond. It is true, danger is at hand; but there is nothing new in that. If we have never been exactly so circumstanced, we have frequently been in similar situations, and have always surmounted them, often with glory, but always with success on our part, and with more or less degree of disgrace on that of our enemies. We had the means to repel invasions, and defend ourselves in every part of our vast extended dominions. Common sense, founded in uniform experience, directs us to adopt vigorous and decisive measures; measures that may convince our enemies, that the ancient spirit of the nation is roused; that England is not only determined to bid defiance to all those who dare insult her, but to follow it, to shew that she still continues the same, with an instant proof of her ability, and a determined resolution to procure atonement for the injurious insult she has received. Not to go to war, and to acknowledge the independency of America, my lords, would be to ratify the treaty between France and America, and to render what was in itself an unnatural compact, a natural one. I heartily unite in opinion with the noble earl, so often alluded to by me since I rose, who wisely observed, that there was no halting between two opinions; that there was no middle path which could be trod with honour or safety. And surely your lordships cannot but agree with me, that none but the most pusillanimous administration that ever held the reins of government would think of temporizing with the court of France, and by little underhand communications, and private epistolary negociations, endeavour, in order to keep their places, to explain away the honour of the kingdom, and sacrifice at the same time its most essential interests, when the conduct of the King's ministers ought to be direct, spirited, and decisive; and be distinguished by acts, not by words; by measures of force, not by the language of concession.

As to the measures recommended by the motion, so far as they stand unconnected with the two great points to which I have been speaking, I verily believe the facts enumerated in it are strictly true, and fully established, according to the usual mode of parliamentary proof, and that the censure of the ministry conveyed in the conclusion is most amply merited. I agree, therefore, heartily, my lords, in both points; and only wish to have it considered, that I do not accede to the latter with a view to obtain the place of any one lord in administration. It is dangerous to succeed some men in office. The Dutch pulled down the house of the great De Ruyter, who had so ably served them in his profession, as a seaman, before they attacked any other; and that great statesman De Witt, who had acted as their saviour, was torn limb from limb by an ignorant and enraged mob, as a reward for his services; on which occasion he gave the most exalted proof of his innocent and firm mind, by not seeming to feel the tortures inflicted on him by his savage murderers, but continued to repeat the celebrated ode of Horace, beginning with the words, "Justum ac tenacem propositi virum," &c. while he was going to execution.

We now feel the effects of the worst species of bad government; money is scarce for want of a confidence in ministers. Great quantities of coin and bullion have been sent to America; the people that have money, either hoard it, or are afraid to part with it, The money is in the nation, but a spirit of distrust prevails. People are, to be sure, much divided in

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their opinions as to the measures proper to be pursued: but there is only one opinion entertained of the present ministers; they are held in almost universal contempt, if not detestation. The city of London, which, to its honour, has conducted itself so judiciously throughout this business, contains persons of both descriptions. I do not deal in little, private letters, or secret intelligence. I despise every kind of importance drawn from such resources; but two particulars lately came to my knowledge (not, I do assure your lordships, of my own seeking) which will shew the different dispositions I have been describing. One was, an intended operation on our stocks, which would shake public credit to its lowest foundations, and reduce the value of stocks at least 6 per cent. The other was, for a spirited attack upon a part of the territories of the crown of France, which if made must prove successful.

When the noble duke, my lords, asks for the means, I answer him, that great things may be done, by opulent and spirited individuals. There was a time in which, if possible, this nation stood in a more perilous situation than even it stands in at present, and yet it was saved by the public spirit of the city of London, and the happy exertions of a few patriotic individuals. The period I mean was, when Spain threatened to invade us in the latter end of the reign of queen Elizabeth. Spain was to have borrowed a large sum of money, in 1585, to victual her fleet, from the bank of Genoa. Sir Thomas Gresham heard of this, and managed matters so dexterously, as to borrow this very money, I think 40,000*l.* by which means the Spaniards were obliged to defer their project for that year; so that when the Armada put to sea, this country was in a state of preparation, and the event is too well known to repeat. Thus, by the zeal and good sense of a few opulent merchants, among whom sir Thomas Gresham took the lead, this country was preserved from the yoke of the Spanish tyranny, or from being reduced to a Spanish province.

The noble duke asks, what can one man do, be his talents ever so great? I will remind his grace what one man did do, in the very affair to which I have been alluding: the commander of our fleet fought the Spanish armada, contrary to his positive instructions, and defeated it. I will tell his lordship what one man did upon a more recent occasion: Prince Ferdinand of Brunswick, with 40,000 men, beat the French with 100,000; and, by his amazing military talents, kept the whole land force of France engaged, while we were making conquests of their colonies and dependencies in every quarter of the globe. Prince Ferdinand was but one man, but then he was one of those men, who are very extraordinary persons, and who would, if occcasion made it necessary, be of most essential service to this country. And if a war should be the consequence of the present misunderstanding, which I think it must, I know no man more fit to call to the head of our army than that illustrious prince. I am persuaded it is not the characteristic of an English general officer to be jealous. I know there are many able general officers in my eye, but I know, too, they are too generous, too noble minded, too much attached to their country, to let their own personal pretensions stand between such an appointment, and the national interest and preservation. A noble lord, for whose military character I have a very high opinion, and who has been lately, I understand, called to the head of his profession, (lord Amherst) will, I trust, excuse me. I do not recommend the present appointment to take off from his merit: I know it; it is universally acknowledged by his country; but his own modesty would urge him to agree with me in the propriety of the hint I have now thrown out.

My lords, I say, one man can achieve great things, if he possesses the confidence of the people, and by that hold can call forth that spirit which has always proved victorious when properly and judiciously directed. What was the state of Holland in the celebrated year 1672, when obliged to fight against France and England united? The United Provinces were then precisely in the state of despondency that Britain is now: add to this, that her troops and fleets were undisciplined and spiritless. The two brothers, Andrew and Cornelius De Witt, endeavoured all they could to rouze them to a sense of their situation. One of them turned admiral himself, and fought the enemy, but nothing would do; the people were degenerate; all military discipline, regulation, and subordination, were at an end. Burghers and burghers' sons were placed in the highest and most important commands: nay, so far had this evil spread, that military and naval officers employed substitutes! In fine, the people were so

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immersed in sloth, corruption, and so overwhelmed with despondency, that 12 or 13 straggling soldiers would have possessed themselves of a very strong fort, which led to the capital, if a servant woman had not braved the danger alone, and timely pulled up the draw-bridge. What was the consequence of all this? The only two virtuous men in the republic, the two De Witts, were sacrificed to the ill-founded prejudices of an enraged populace. The people grew desperate. Offers had been made to Louis 14, their conqueror, then the most potent prince in Europe, and aided by England, to give up every thing, but just to retain the name of sovereignty. It was refused by that haughty monarch with contempt. This rouzed the people to act as one man. Their supineness was no more; rouzed from their political lethargy, every man became a sailor or a soldier; and the event corresponded with the means employed. Charles the 2nd saw his error. He was detached from so unnatural an alliance. Holland once more recovered its freedom, and, in a very few years after, was able to vie with the first powers in Europe. It was the high, political knowledge of the De Witts that proved the cause of their unhappy fate; as statesmen, they could never be persuaded that Charles the 2nd would have been so great a madman or ideot as to have joined France in forming a system of power which must have ultimately ended in the destruction or conquest of his own kingdoms. De Witt's observation, who was the wisest and ablest statesman in Europe, when he heard Charles had acceded to the treaty with France, so evidently repugnant to the interests of his crown and people, was, that "no man could possibly pretend even to guess at the extent of folly." I confess the observation has made a deep impression on my memory. I have often revolved it in my mind; and I think the period is now arrived, when it may be applied with the strictest justice. It points directly to the conduct of the present members in administration, who seem determined to push their folly farther than any men in office had ever done before. Indeed, it may, by some of their advocates, be urged in their favour, as tending to mislead our enemies; for I have heard more than once, that the principal difficulty with the French cabinet has been to explain by system, what has hitherto remained inexplicable, the conduct of the British administration; who are represented at Versailles, as men so mutable, various, and so contradictory in their measures, that the last was of such a nature, that no man, unless possessed of the spirit of divination, could tell what the next would be.

My lords, our ministers, if they deserve that name, seem in a state of stupefaction. They see ruin approaching, and take no one measure to prevent, or even arrest its progress. They neither prepare for peace nor war. They know, they must know, that an invasion is intended. I have had repeated advices, within these three weeks, that the coasts of Brittany and Normandy are lined with troops. There is not a person who has lately left that country, with whom I converse, who has not assured me of the fact. What is the nominal minister? The *servus servi*. What are those who act with and in subordination to him? The *servi servorum* of this phantom of power and mock importance. What has their employers desired them to say? That the court of Spain will not join France. The arrival of a courier from Madrid *is* announced! These are the joyful tidings; the stocks rise one per cent. till the pitiful trick is detected, and they fall to their former price. Then again it is whispered, we are to have no war. It cannot be, say the whisperers, if America is declared independent. Here again is another subterfuge. Were I to resort to conjecture, I should be apt to suspect the latter to be the case. Ministers here are silent; they will not speak, or they know nothing. The minister in the other House has lost all credit, even with his greatest friends and admirers. He is never of the same opinion two days running, or even twice in the same debate. No man, in or out of the House, pays the least attention to what he says. He says any thing, and of course says nothing. "I would not take the ghost's word for a ducat," is an expression extremely applicable to him. But it is not even their tricks, evasions, and successive contradictions, that so much surprize me, as their total inattention to national security. Do they know the length of coast that is to be defended? That Plymouth, which is almost insulated, will require 10,000 men for its defence; Portsmouth as many more; Chatham and the county of Kent an equal number? Are ministers ignorant, that if the French should make good a landing, that there is not a single post from the water-side to the metropolis but one, and

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that in the neighbourhood of some houses that I should be sorry to see disturbed. [Supposed to mean the royal palaces.] Do ministers know, that a chain of posts should be kept up from London to Harwich? Then Newcastle, a place of the first-rate importance, lies exposed. It is 300 miles off; and, to properly secure it, and the eastern coast, a chain of posts and communication should be kept up between Harwich again and Newcastle. Newcastle should be paid particular attention to, and strictly guarded. France knows the importance of that town and its neighbourhood as well as we do ourselves. It may possibly be urged, that by these public communications, I may be throwing out hints to the enemy, and instructing them where to land. Were the French ignorant of these particulars, the objection might be plausibly made. I am certain of the contrary; the French do not stand in need of such information. These hints are intended for ministers, to inform them of what I have every reason to believe they are totally unacquainted with and unprepared for. The ministers of Great Britain, I believe, are ignorant of these particulars; the ministers of France, I am thoroughly persuaded, are not. I would ask a noble duke over the way (duke of Argyll) if Scotland is in a proper state of defence; or if it has either men or money to put it in such a state? I believe the noble duke will hardly reply in the affirmative. The truth is, administration have lost all credit with the people. The militia are ordered out; some of them are already embodied; yet, such is the character of the finance minister with the people, that he is afraid to apply to them for money to pay the militia, either from the total impracticability of procuring it, or being obliged to give so high a premium as would sufficiently point out the absolute necessity of removing him from his present situation.

In this state of despondency, had I an opportunity of advising his Majesty, I would advise him to try what could be done with the Whigs. Scotland and Manchester have been tried sufficiently already. The Tories have been applied to, and confided in. I do not approve of exclusive distinctions in times of difficulty and danger, nor at any time, much less at such seasons as the present, when even the very existence of the nation seems to be rather hazarded, sooner than apply to, or even receive assistance from some of its best friends. I would advise ministers to abandon all party proscription, and write to the country gentlemen of weight and fortune in the several counties, though they should have the misfortune to be Whigs. State to them the real situation of public affairs, demand their assistance where it may be necessary. Offer those honours and advantages which it is in your power to bestow. Combine and connect every party and description of men. Leave a way open for every man to enter, and every man will enter and co-operate in the support of government. A noble lord near me, I will take the liberty to mention his name, the earl of Effingham, whose zeal and unwearied attention to the interests of his country have secured him the veneration and esteem of all ranks of people, has, I am told, offered his services, in person, to the sovereign. I know no more than what the newspapers, or common conversation inform me of; but I am told, he was looked on coolly, and that some others have nearly stood in the same predicament. If it be so, I am sorry for it; and am certain, such a conduct must have proceeded from weak, if not evil advice. I imagined, that his own personal merit, his disinterested conduct, would have secured him a different kind of reception. I was led to hope, that his name, the highly respected name of Howard, and his descent from that great hero, the first of his immediate family, lord Howard of Effingham, who destroyed the Spanish armada in the reign of queen Elizabeth, would have drawn a degree of respect and attention due to such pretensions.

The noble duke thinks the surest way to secure the friendship, if not dependence of America, will be to relinquish it for the present. The noble duke will excuse me, for thinking it a most extraordinary mode of securing a sceptre, to resign it. Power and dominion are too flattering in their nature, to be either parted with, or returned on such terms. In my opinion, you would only arm America with a weapon you will never again be able to get possession of; it would prove a poignard, to wound this country, which you could never again, by your greatest efforts, be able to recover from her grasp. The proposition puts me in mind of a passage in a modern comedy, between a duke and a sharper: the former is supposed to give the latter 20 guineas; the sharper returns 21; so this kind of exchange increasing on both sides, continues for some time, till the sharper at

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length runs away with the whole. Such a scheme, my lords, was a very proper subject for a play or a farce, as a caution to young people not to play, or warn them not to play with strangers; but it would be grossly ludicrous, if it was to be adopted in a system of politics, which was to determine the interests, if not the fate, of a great kingdom. Who ever yet heard of borrowing or lending a diadem? The idea is absurd; the plan is idle and impracticable.

The conduct of this country, respecting Holland, has often been introduced into debate on this subject, particularly by the noble duke; and inferences have been drawn from it, to prove the propriety of forbearing to resent the insult offered to us by France. I do not mean the last period of Dutch history alluded to; I mean the conduct of queen Elizabeth, relative to the frequent apologies, and the seeming good understanding which subsisted between England and Spain, while Elizabeth was publicly supporting the Dutch in their revolt. In answer to this, I shall just remind his grace, that though war was not actually declared, the assistance given to the revolted subjects was equal on both sides; for while England was fomenting disturbances in the Netherlands, Spain was doing the same in Ireland, and actually invaded that kingdom with a very considerable naval and military force.

The facts which introduce the present motion have, in my opinion, been sufficiently proved, and contain matter not of a dangerous nature, unless your lordships should be persuaded to believe the most improbable of all absurdities, that the information which came out in the course of the enquiry, was not known to France. The same objection would have lain against a great part of what fell from me this day; but it is to the last degree farcical. The French know the ground, posts and passages between London and the sea coasts, I will not say better, but at least as well as the most experienced of our own generals. The French are equally well informed as to the state of our army and navy. Indeed, I believe I need not hesitate to say, much better than we are. But now I am up, I cannot help taking notice of a matter which astonished me, and which came out in proof. I confess I looked with amazement at the confidence and insolence of the first lord of the Admiralty. When a war was threatened with France, and a noble duke (of Bolton) reminded his lordship of his boastings, and how far short the fleet was of being in a state of defence; his lordship said, "To be sure the fleet was not as well manned as he could wish. He could not help it; he had done every thing in his power; but it was impossible to remedy the evil, as America retained in their service above 20,000 of those seamen, which in former wars we used to have to man our navy." Good God! is it possible to bear such evasions? Shall it be in the power of men in high offices to allure the nation into measures of the most perilous nature; to encourage it from time to time, to proceed upon previous engagements; and when the instant comes that the nation is just at the eve of being plunged into a war, the event of which may determine its existence; shall the same men be so daring, to endeavour to shift the responsibility off their own shoulders, and tell you that they acted ministerially, under the wing of the public counsels, and are not answerable for consequences? It is not the business of this House to call such men to account. That is the duty of the other House. But what is the other House? Can public justice ever be procured through so foul and corrupt a channel? Is it possible to obtain justice, while that House is under the immediate controul, and at the devotion of the minister? Can impeachments be expected to come from pensioners, contractors, and the whole tribe of needy dependants? Let us but recollect what passed here the other day, when on an inquiry into the shameful jobs respecting the contract for transports, the ministers sent the very contractors, clerks and dependants to insult this House with made-up tales to cover their own corruptions and iniquities. Before this country or its constitution is recovered, that corrupt House must be new modelled. It is at present the source of all corruptions and misfortunes; and if all other means should fail, the people will probably rise, and drag their corrupt and venal representatives from their seats. I shall never submit to the doctrines I have heard this day from the woolsack, that the other House are the only representatives and guardians of the people's rights. I boldly maintain the contrary. I say this House are equally the representatives of the people. They hold the balance; and if they should perceive two of the branches of the legislature unite in oppressing and enslaving the people, it is their duty to interpose to prevent it.

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The noble and learned lord on the woolsack, in the debate which opened the business of this day, asserted, that your lordships were incompetent to make any alteration in a Money Bill, or a Bill of Supply. I should be glad to see the matter fairly and fully discussed, and the subject brought forward and argued upon precedent, as well as all its collateral relations. I should be pleased to see the question fairly committed, were it for no other reason but to hear the sleek, smooth contractors from the other House of Parliament, come to that bar and declare, that they, and they only, could frame a Money Bill; and they, and they only, could dispose of the property of the peers of Great Britain. Perhaps some arguments more plausible than those I heard this day come from the woolsack, to shew that the Commons have an uncontroulable, unqualified right to bind your lordships' property, may be urged by them. At present, however, I beg leave to differ from the sentiments delivered by the noble and learned lord; for until the claim, after a solemn discussion of this House, is openly and directly relinquished, I shall continue to be of opinion, that your lordships have a right to alter, amend, or reject a Money Bill; and to prevent an improper or oppressive tax being laid on the people and yourselves: and I trust, that if such a doctrine should come to be ever pressed or tenaciously maintained by the other House, that this inherent right of controul will never be abandoned by your lordships.

I so far agree with the noble viscount (Weymouth) that the Address consists of two parts, to withdraw the troops, and for the removal of ministers. If the first is meant to lead to the independence of America, I shall certainly be against it. I repeat what I before urged so strongly, that the dependence of America should never be given up. As to men, I shall ever prefer measures to men. I agree with the noble earl (of Chatham) in his opinion. I wish for no man's place or employment; yet I can never accede to the argument of the noble viscount, that to dismiss the present ministry, would be punishing or censuring them without proof. Is not our present situation, a full proof of the wickedness and imbecility of administration? Have not they done every thing to amuse parliament, to deceive, to mislead them; and do they not yet endeavour to cling to their places? Have not they planned a commission, armed with certain powers, to treat on certain terms? Do not they know beforehand that this commission must miscarry? Is not America previously told to insist on independence? Are not ministry and their friends silent; and preparing to surrender the sovereignty and glory of this country? Where are the high tokens of approbation gone, which I heard echoed from every courtly corner of this House, the last day I took the liberty to deliver my thoughts on the present subject? A solemn stillness pervades these benches, which on the last day resounded with marks of the highest approbation. There are many other reasons, my lords, which serve to convince me, that declaring America independent would be rash and impolitic. The thirteen united states form at present a republic in the strictest sense of the word. It is a fact, confirmed by long experience, that republican states are always averse to war. If they should, as I fear they will, from their present temper and former provocations, reject the offers we are about to propose to them, they will, from the very nature of their government, insensibly, by degrees, bend towards peace. In that view, my advice would be, to let them alone, and they will in time, even from motives of convenience and interest, return to an alliance with this country. They will naturally cultivate commerce and the arts of peace; they will be desirous to bind and heal those wounds which are bleeding from the ravages of war; and they will discover, as soon as the heats and resentments which it has occasioned have subsided, the danger as well as impolicy of their treaty with France, which, if obstinately adhered to, might prove their own destruction, no less than that of the mother country.

My lords, whatever the strength and resources of this country may be, they can never be happily or effectually employed, without a thorough reformation in the executive government and the people at large. A reform of manners, both public and private; of the other House in particular, who at present, I do not hesitate to pronounce, the servile followers of the minister; ready to obey every mandate he thinks proper to issue; totally immersed in the deepest and dirtiest ways of corruption; and lost to every sense of their own duty and constitutional importance in the state. Though I have strong expectations that America is not finally lost, but rather believe it will once more return to its connection with this country, I have

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no hopes from the commission now going out, nor the acts on which it is founded. In my opinion, the commissioners will return to Europe as they will leave it, *re infecta*, and that the whole scheme will turn out as it was really designed, nothing but a mere pitiful plan of the present ministry, to amuse the nation, and prolong for a few months their ministerial existence—or by gaining time, attempt either to divide the colonies, in hopes to carry into execution their original design of enslaving them, or if that should miscarry, endeavour to continue their own power, by at length making a formal surrender of America, on account of its recovery, either by force or treaty, being no longer practicable. It is not yet, my lords, too late. The first step I would advise, is to do America ample justice; to convince the people of that country that we were sincere, that we were in earnest; that we wished to come to an undisguised reconciliation, framed on the most comprehensive bottom, and built on the most solid and permanent foundation. To secure their liberties beyond the power of former or recent claims. Such a plan, my lords, ought to be prevalent, and extend its influence through every dependency of the British empire, to the East and West Indies, Ireland, &c. which would render London what it ought to be, the metropolis of Ireland, Asia, and America. Undoubtedly, my lords, in respect of America, such a scheme would for a time meet with a strong opposition. There are doubtless several in that country who have taken a part in the contest, and who from ambitious views of wealth, honour, and aggrandizement, would oppose it; and would set their preachers and orators to work, to persuade the people of the advantages of being independent; but the bulk of the people, if we acted candidly, judiciously, and direct, I am persuaded, would be easily brought to a reconciliation, a matter I fear, for many strong reasons, which can never be effected by the present ministry; the system by which they are upheld, and the terms on which they hold their appointments, being totally incompatible with the frame and spirit of this government. These dangerous combinations of men, linked together for counteracting the designs of the constitution; for vesting an unnatural power in the hands of the crown, in order to employ it to their own personal purposes, and thereby setting up a distinct interest from that of the people. All these dark and crooked purposes must be abandoned before we can expect to succeed in any measure pacific or hostile. Every thing must miscarry so long as this plan is adhered to. This government will never get clear of the various difficulties which press on every side, unless the system of clerks be annihilated; till the court scribblers are silenced or dismissed from the highest to the lowest; from the querist, employed to write down and vilify general Howe, down to the lowest mercenary scribbler of the day; till the lawyers and commissioners are sent to their professions, offices, and desks, and, till every low, petty, under-hand part of the present paltry court system is entirely abolished.

Besides the impolicy of declaring America independent, my lords, I perfectly agree with the noble earl, who, in a few words yesterday, though pressed down with infirmity, spoke with so much dignity and wisdom, there would be a gross injustice in such a declaration, not only with respect to the heir apparent to the crown, the duke of Osnaburgh, and the several descendants of the princess Sophia and her heirs, being Protestants, but to several families, the natives of this country, who once possessed great landed properties in the colonies. I took the liberty to point out a few of those soon after I rose; but if I were to enter into particulars, and were to have full information upon the subject; the consequences of a separation, and the confiscations which it would be productive of, I am confident, would appear to your lordships most deplorable. Though I desire no man's place nor employment, yet if ministers were to demand my advice, I would readily go to the privy council and give them my sentiments fully. I would not however go alone, they might possibly consider me as a spy, and my visit might prove equally disagreeable to myself, and to those to whom it was made. In fine, my lords, nothing will succeed under the direction of the present administration. They are despised or execrated without doors; they have lost the public confidence: the system of government must be changed, and established upon a stronger basis. I repeat again, the lawyers and *commis*, the present conductors of public business, must be sent back to their proper vocations, or their original obscurity. America must obtain justice and security, and whatever difficulties may arise to obstruct it, I have no doubt but she may again be happily united to Great Britain.

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The Duke of *Richmond* replied to the noble lord's speech. He said, men it was certain were in that House and out of it, in great abundance; and money, as the noble lord has said, abounded in private coffers. But when a war was determined upon, it became necessary not to trust to your eye, in point of numbers, nor estimate the populousness of those kingdoms by the people you saw in that House, in London streets, or on the road to Bath. It was generally believed that France contained twenty four millions, Spain six or seven, and America three. What had we to oppose to that number in Great Britain and Ireland? Little more, he believed, than eight millions. He allowed, that if America was with us, notwithstanding the disparity of numbers, we might be equal to the whole House of Bourbon; but America not only detached from us, but actually put in the scale against us, he thought, to hazard so unequal a contest, would be madness in the extreme.

His grace assured their lordships, that no one more sincerely wished that America might return to her former connection with this country than he did; but it was the impracticability in one event, the danger in the other, and the injustice of compelling her by force of arms, that all equally operated upon his mind, and induced him to be of opinion, that the only way to get clear of all those difficulties, would be at once to declare her independent. He said, suppose Great Britain had nothing to interrupt her, and that she should prevail in the contest, would such a connection be either a desirable or a profitable one? Most certainly not. If conquest on our part was to be the consequence of the contest, the Americans must be slaves; and even though they were slaves, the expence, trouble, and hazard of keeping them in such a state of servile subjection, would cost this nation more money than would be sufficient to balance any advantage we could possibly draw from such a dominion.

His grace observed, that the noble lord talked much of the vulnerable parts of France and Spain. If there were no other motives, nor stronger, for entering into a war, than the advantages to be derived from sudden attacks and debarkations on their coasts, those would weigh very little with him. He remembered, that in the course of the late war, he served in company with the noble lord on one or more of those expeditions; and he imagined they saw nothing on that occasion sufficient to encourage them to a repetition of the same species of warfare.

He observed, the noble lord avowed his preference of measures to men. So did he, when measures stood in opposition to men. It is true, the noble lord censured, in a very able manner, the conduct of the present ministry; but what did that censure amount to, when his lordship's general sentiments went to an indiscriminate approbation of those of the noble earl who spoke the preceding day? The noble earl said, he desired no man's employment; he wished for no man's place. All he found fault with was 'unretracted error.' His grace appealed to the noble lord, whether the phrase, unretracted error, did not fairly import, that the noble earl had no objection to unite or support the present ministers, on condition that they retracted their errors? If measures, not men, meant this, he fully understood what was intended.

His grace observed, much had been said and relied upon in argument, by the noble lord, on our abilities, on what we were able to do against the common enemy; yet a great part of the noble lord's own argument went to prove the necessity of a superior force. His lordship called for a much superior force to any thing we could procure for several months, even for the defence of the southern part of the island. He asked a noble duke on the other side of the House, whether, in case of an attack in Scotland, he had either men or money to repel such an attack? The silence of the noble duke implied a negative. The same question might be extended to Ireland, which, by all accounts, was in a most defenceless condition. The noble lord had observed, very pointedly, that although the militia were called out and ordered to be embodied, yet such was the state of public credit, that the minister was either afraid, or could not procure money to pay them. What, then, said his grace, does the argument of the noble lord and noble earl amount to? The latter says, he wages no war with persons, but with unretracted error: and the noble lord says, that measures, not men, are what he looks to. Surely, the noble lord will not say, though war was declared to-morrow, that the present ministers could have a more effectual support than they have; consequently his lordship will confess, that even good and necessary measures cannot prove successful in the hands of the pre-

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sent ministers. His grace proved, that either his lordship must declare in favour of American independence, and peace with France, or give up men, as connected with measures: for in many instances, particularly in the present, measures cannot be separated from men; the former, however expedient, wise, or necessary, must fail, while the execution of them is intrusted in such hands as now hold the reins of government. He contended, that he repeated no more than the noble lord's own arguments; for they all went to prove, in the fullest manner, what had been now asserted.

His grace, after describing very fully our internal state, and the powers we had to contend with, supposing we should drive France into the arms of America, declared, that no man in his senses would think of going to war under such circumstances; or expect to impress the minds of his hearers with conviction, that this country, after having proved herself incapable to prevail over America single-handed, could stand any chance of victory in a contest with France, Spain, and America, united. He declared, he wished as sincerely as any one of their lordships, or the noble lord who spoke last, for a speedy accommodation between Great Britain and America, without making so great a sacrifice as the dependency of the latter; but fatal experience had put it past a doubt, in his mind, that things were gone too far for such a desirable event to take place. He should have been much better pleased, if the noble lord, instead of launching forth into a description of ideal men and money, had shewn how America was to be regained; how the thirteen states now, even by the noble lord, acknowledged to be independent, were to be brought back to allegiance and dependency on this country. He saw no prospect of it; and therefore, being anxious to render America at least a friend to Great Britain, had thrown out his ideas as to the best means of doing it. He begged the noble earl, as well as their lordships, to consider, that America, if not the friend of Great Britain, must necessarily become the friend of France, and of consequence, could not stand neuter with regard to us.

Suppose, added his grace, that matters were not in the perilous state that they really are; suppose, for the sake of argument, that the last campaign had been still more successful than it was, that America was likely to submit, and that France had not interfered, I declare, for one, that I do not entertain a wish that America was forced into submission, and I will give my reason for making this declaration. The conduct of this country for some years past, has obviously been such as tended to reduce America to servility, to slavery; every measure of administration was calculated to wound the freedom of the colonies; and it requires but little argument to prove, that as soon as America is enslaved, Great Britain's loss of liberty will be at hand. Exclusive of this very galling circumstance, what an immense expence, what a heavy burden would it be to this country, to keep so extensive a continent in a state of slavery? None but the weakest of politicians, none but the worst of men, would ever have dreamt of aiming at a purpose so manifestly unjust, injurious, and destructive!

The noble earl had mentioned prince Ferdinand as a great general, and intimated a wish that he was at present called on to take the command of that army which was to defend the kingdom. The noble earl had mentioned the prince as the one man whose abilities and wisdom united had been the cause of an army of 40,000 men beating an army of 100,000. He could not help differing from the noble earl in both points. He believed few victories were owing either to the single valour or the single experience of one man. If the instruments under him were not equal to the task achieved, the attempt would necessarily prove fruitless. A smaller army might beat a larger; but, then, not only the men must be well disciplined, and full of spirit, but the officers second in command, and those inferior, down to the very subalterns, must be capable of giving effect to the plan of their leaders, and by a proper co-operation invigorate and support the efforts of the whole army. He had his eye on a noble earl who served under prince Ferdinand, and to whom he verily believed a great part of the prince's success last war ought justly to be ascribed. That noble earl (Waldegrave) was, in his opinion, as capable of taking the command of our army, and conducting it successfully, in case of invasion, as any German prince in Christendom; and he never could consent to intreat the service of foreigners in our army, while so many able English officers were unemployed.

The Earl of *Shelburne* said, as soon as the French ambassador delivered the of-

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fensive paper, they should have given immediate orders for the striking of some decisive blow at France; some sudden shock, that would serve effectually to draw her attention from making an offensive war, either in Europe or elsewhere, to the protection and security of her own coasts and distant dependencies. Ministers, ignorant as they were, must know, that France was vulnerable in the West Indies. There the troops and fleet under general and lord Howe must have proved successful. He had seen an officer of rank and experience, lately returned from Philadelphia, who assured him that the army there was composed of veteran troops, ably commanded, and in the most perfect discipline and good order. This army and fleet might be ready to proceed on any service against our natural enemies early in the next month, if they should receive their orders in time; and having no equal force to oppose them, whatever service they were sent on must be crowned with success. The noble duke had wished that he would shew in what manner America was to be regained without our agreeing to her claim of independency. He would give their lordships his opinion; and he thanked the noble duke for calling for it. Leave the Americans to themselves, and he had no manner of doubt but they would soon send commissioners to offer terms to Great Britain. There was a natural necessity which would force America to come back to an alliance with this country. She could not, however artful men might gloss over the matter, be so lost to all sense of her own interest as to continue dependent on France. She would soon see the false bias she had taken. Her own interest, her own ease, her own happiness, would point it out; and the consequence would be, that all cause of animosity and contention ceasing, she would, on motives of sound policy, at length, of her own accord offer terms to England. The noble duke had alluded to earl Waldegrave, as having materially assisted prince Ferdinand in his success last war. He was exceedingly willing to do the noble earl ample credit for his bravery and skill, as a military man; but neither took away from the merit of prince Ferdinand, who was one of those men rarely to be met with; he had scarcely ever read of a general so truly expert, both in the cabinet and in the field, so wonderfully able both as a general and a negociator, except the famous John duke of Marlborough; and he would venture to say, that no officer who served in Germany last war would deny him a claim to uncommon abilities: indeed he had never heard of more than one commander (lord G. Germain) in that army, who did not always speak of him in terms of praise, in terms of admiration. He concluded with declaring, that no good could be expected from the present men in office, who stood not on their own legs, and dared not maintain a single opinion, unless it was backed and supported by their colleagues, who received their final instructions from an authority they dare not acknowledge. Could any one therefore be surprised at the errors of such men? Their blunders hitherto had obviously reduced Great Britain to a very calamitous situation, and their scandalous inactivity on the present occasion, added to the encouragement they gave to the national despondency, by not speaking out, seemed to threaten the ruin of the empire—a predicament in which he saw clearly they would rather see Great Britain involved, than part with their beloved places.

Lord *Ravensworth* said he was astonished how the noble lords in administration could hear their conduct so severely arraigned, and not offer the least justification, even to blunt the force of any of the heavy charges made against them. This silence, he hoped, portended some good to the nation; for by refusing to answer, they tacitly confessed the truth of the several accusations: and the next step he hoped they would take, would be to wait on their sovereign, fairly confess they had deceived both his Majesty and the nation, and resign their places, as no longer fit to conduct the public affairs.

The House divided: Contents 33; Non-Contents 50. As soon as the division was over,

The Earl of *Abingdon* got up, and said, These dead majorities will be the ruin of this nation. Let the question be what it will, though the salvation of the country depend upon it, if it be moved by the minority it is sure of a negative: and, my lords, we are told, too, by the ministry, that this is the only way in which his Majesty will receive our counsel. It may, indeed, my lords, be the only way in which his Majesty will receive our counsel; but it is not the only way in which we have a right to give our counsel to his Majesty. My lords, we are the hereditary counsellors of the crown, and have a right to

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an audience of his Majesty at all times, to lay our humble services before him. I therefore move, my lords, that we of the minority do, in a body, wait upon his Majesty with the Address that has been made by the noble duke: it contains information worthy the royal ear; what effect it may produce is not for me to forejudge.

The Duke of *Richmond* assented to the proposal, and said, that, if it was agreeable to the other lords, he himself had no objection; but that that was a matter which would be best settled out of the House.

The measure was not carried into execution.

Protest against the Rejection of the Address to the King on the State of the Nation.] The following Protest was entered on the Journals:

"Dissentient'

"Because, we think the rejection of the proposed Address at this time, may appear to indicate in this House a desire of continuing that plan of ignorance, concealment, deceit and delusion, by which the sovereign and his people have been already brought into so many and so grievous calamities. We hold it absolutely necessary that both sovereign and people should be undeceived; that they should be distinctly and authentically made acquainted with that state of their affairs, which is faithfully represented in the proposed Address, at a time when our existence as a nation may depend upon our conceiving a just idea of our real situation, and upon our wisdom in making a proper use of it.——(*Signed*)—Richmond, Abergavenny, Thanet, Abingdon, Harcourt, De Ferrars, Fitzwilliam, J. St. Asaph, Devonshire, Bolton, Portland, Effingham, Radnor, Rockingham, Stamford, Manchester, Ponsonby, Craven, Spencer, Hereford, E. Carlisle."

The King's Message relating to a Provision for his Younger Children, &c.] April 8. Lord North presented the following Message from the King:

"GEORGE *R.*

"His Majesty, being restrained, by the laws now in being, from making provision for his younger children, out of the hereditary revenues of the crown; and being desirous, that competent provisions may be made for the honourable support and maintenance of his dearly beloved sons, prince Frederick bishop of Osnaburgh, prince William Henry, prince Edward, prince Ernest Augustus, prince Augustus Frederick, prince Adolphus Frederick, and of his dearly beloved daughters, princess Charlotte Augusta Matilda, princess Augusta Sophia, princess Elizabeth, princess Mary, and princess Sophia; and for the honourable maintenance and support of prince William Frederick, and princess Sophia Matilda, the son and daughter of his dearly beloved brother William Henry duke of Gloucester; his Majesty hopes, that he shall be enabled, by act of parliament, to grant an annuity of 60,000*l.* to the six princes, and an annuity of 30,000*l.* to the five princesses; and to grant an annuity of 8,000*l.* to prince William Frederick, and an annuity of 4,000*l.* to princess Sophia Matilda, the son and daughter of the duke of Gloucester; the annuities to his Majesty's sons and daughters to take effect after his Majesty's demise; and the annuities to the son and daughter of the duke of Gloucester to take effect after the death of the duke of Gloucester; and his Majesty recommends the consideration thereof to this House."

Ordered, *nem. con.* "That leave be given to bring in a Bill, for enabling his Majesty to settle on their royal highnesses the princes Frederick bishop of Osnaburgh, William Henry, Edward, Ernest Augustus, Augustus Frederick, and Adolphus Frederick, an annuity of 60,000*l.* per annum; and also to settle on their royal highnesses the princesses Charlotte Augusta Matilda, Augusta Sophia, Elizabeth, Mary, and Sophia, one other annuity of 30,000*l.* per annum; and also to settle on his highness prince William Frederick one other annuity of 8,000*l.* per annum, and on her highness the princess Sophia Matilda one other annuity of 4,000*l.* per annum."

Debate in the Commons on the Royal Family Annuity Bill.] April 10. The said Bill was brought in and read the first time. Lord North proposed that it should be read a second time immediately.

Lord *Irnham* objected to the second reading of the Bill on the same day it was first read. He thought that hurrying it through the House, was neither a mark of respect towards the duke of Gloucester, nor towards the princes in the succession to the crown. That it would be bad policy as well as unjust, at such a time as this, to disinherit the issue of the princes of Brunswick and Orange, without going

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through the decent and legal forms of acknowledging and authenticating the marriage of his royal highness the duke of Gloucester, in order to legitimate his children. And it became the more necessary, because the present ministers had occasioned so many reports of their doubts; which, though they only meant as a cloak for persecution, and to prevent foreign courts from paying the duchess of Gloucester proper respect, might be construed by the princes in the succession, to have arisen from the circumstances of the inquiry made by the privy council: and as they were going to recognize one marriage, he thought it would be proper to lay before the House the certificate and proofs by witness, of the marriage of their royal highnesses the duke and duchess of Cumberland.

Mr. *Rigby* rose to ask if any man in the House or in the nation had any doubt of the legality of those marriages? He said, that he sat in the privy council at the time they were investigated; that he had no doubts, and did not wish to have a motion which could imply that there were any. He thought it a proper mark of respect towards the duke of Gloucester, to read the Bill a second time the same day.

Lord *North* again moved the second reading of the Bill, and said it was usual to hurry such Bills as related to the royal family, in order to shew unanimity upon the question.

Mr. *Wilkes*. Sir; the very title of the Bill, which the noble lord has just presented to the House, will give the truest pleasure to the friends of the Protestant succession. A royal family, already so numerous, is an invaluable addition to the national strength and importance. Every Englishman, who is at heart anxious not only for the permanent, but the perpetual, preservation of our liberties in the august line of Brunswick, must now enjoy the highest satisfaction. The alarming fears, which our ancestors at various periods experienced, from a suspicion of the failure of succession to the imperial crown of these realms, are not likely to disturb their posterity. We live in happier times. The gratitude of this House to Heaven increases every year, with the fortunately prolific, annual increase of the royal offspring. We triumph in those indearing pledges of our monarch's love, and the public felicity, which an all-bounteous Providence continues to bestow on this peculiarly favoured nation. The kingdom at large contemplate with rapture his Majesty's numerous, and still, I hope, increasing progeny, as insuring even beyond our children's children, to the "*nati notorum, et qui nascentur ab illis*," the blessings and glories of his reign. It is the duty of his faithful Commons here to do more, to provide for them in a manner adequate to their exalted birth and royal dignity.

The message, Sir, from the crown, points out to us the provision, and the mode of it, which is desired. I give my hearty consent to the grant. It will be a grant worthy of the English nation, worthy of the great personages, in whom we have now so important an interest. Hereafter, I trust, we may claim a share of their future fame and glory. Yet Sir, I regret, that it is not made a certain provision for them during his Majesty's life, and the duke of Gloucester's, as well as during the life of the prince of Wales, or the successors of the reigning monarch. It is only to take effect after the demise of the crown, and on the death of the duke of Gloucester. Sir, if I understand the Bill in your hand, it compels the prince of Wales to grant out of the hereditary revenues of the crown the annual sum of 60,000*l.* to the King's sons, 30,000*l.* to his daughters, and 12,000*l.* to the children of the duke of Gloucester, during their respective lives; but no permanent provision is made for them during the present reign, or the life of the duke of Gloucester. The Bill effectually ties up the hands of the successor, but leaves the prince on the throne the option of any provision for the children and other very near relations of the crown during the life of his present Majesty, and his next brother. I desire to be set right, if I have mis-stated the Bill, which has just been read to the House. [Lord North said, "The hon. gentleman is certainly right. The King will not be obliged to make any provision by this Bill for any part of the royal family, during his own life and that of the duke of Gloucester." Mr. Wilkes then added,] I submit, Sir, to the House, that in this respect the Bill is imperfect. The provision for the younger branches of the royal family is not an immediate certain provision, but to take effect at a distant period. They are left at the present moment without the smallest fixed revenue, or support, independent of the crown. The sovereign makes no grant, but we are taking away,

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without his consent, during his minority, a part of the hereditary revenue of the prince of Wales, for the future maintenance of his brothers, sisters, and the more remote branches.

The example of this generosity is not given by the father and the sovereign to his first subject, although it comes in the mode of a paternal precept. We leave them now in a state of the most absolute dependance on the crown, on the caprice of the sovereign, or perhaps the mercy of the minister. The Bill therefore, in my opinion, ought to be extended to a settlement of the same revenues to take place immediately, and to be secured by the fullest parliamentary grants irrevocably. The strong ties of blood in the first degree would in this case coincide entirely with the wishes of the people. I may surely, Sir, leave in all safety to the servants of the crown so acceptable a service to the best of princes and of parents.

A circumstance, Sir, of the utmost importance seems on this occasion to have been intirely neglected by ministers. It is remarkable that the children of his Majesty's next brother, the duke of Gloucester, are recognized and provided for by this Bill, before there has been a notification in any way to parliament, or to the public, of his Royal Highness's marriage. I have not, Sir, the least doubt of the legality of that marriage, but I know that strong doubts have formerly been entertained, even by some of the present ministers. The noble lord is as ill informed on this subject as he has been all along respecting America, when he ventures to assert, that no man now has the least doubt remaining. In consequence of the general uncertainty in the minds of the nation a very few years ago, the privy council entered upon the enquiry of the legality of the duke of Gloucester's marriage. They received evidence, which, as it is reported, satisfied them; but as that evidence has never been communicated to the public, a degree of scepticism I know has continued. I wish it removed. It will be undoubtedly, when parliament shall be treated by ministers with respect, when the great council of the nation shall be furnished with the proofs, which flashed conviction on the minds of the privy council. The representatives of the people, Sir, have surely a right to examine every thing respecting the succession to the imperial crown of these realms, because they, in conjunction with the other two branches of the legislature, have by an express act of parliament the power to "make laws and statutes of sufficient force and validity to limit and bind the crown, and the descent, limitation, inheritance, and government thereof." The maintaining the contrary doctrine by writing or printing is declared a species of high treason, and whatever slavish positions of hereditary, divine, indefeisable right may be adopted in despotic countries, and by modern courtiers here, the people of England in general consider their crown as the free gift of the nation, settled on their own terms and conditions. We know that the British crown is not in the gift of the reigning prince. He is only tenant for life, while he observes the original compact.

The people, Sir, in consequence, possess the right to be informed of whatever respects the succession. All we know as to the marriages of the King's brothers amounts to this, that they were private and clandestine, and that no proof of their legality has hitherto been given to the nation. The proofs of those marriages ought to be communicated to the two Houses of Parliament, while the parties are still alive, and the witnesses with us may be examined. The facts may now be ascertained with precision. If any doubts have been suggested in this age, they may be removed by those living witnesses, to whom no recourse can be had in succeeding times. I regret that there are so many "historic doubts" in our history. Posterity has this just claim on the present generation, that our fields may not be again deluged with the blood of a brave people in a fatal civil contest. Should the smallest degree of scepticism now exist, the progress of it, if not timely checked, is known to be rapid, and it would acquire strength even from the general destroyer, Time. The fullest light ought now to be thrown on a transaction hitherto covered with clouds and darkness.

This enquiry, Sir, I likewise consider as a point of national honour and justice to several foreign princes, who are allied by marriage to the crown of Great Britain. The House of Nassau, to whom we owe the restorer of our violated constitution, the king of Denmark, the princes of Brunswick and Hesse, and others of the Protestant line, are actually in the parliamentary entail of the crown. They will think that we are proceeding in a very irregular manner, when we make settlements on the children of the King's next brother, as

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legal heirs of the crown after the children of the King, before the marriage of his Royal Highness has been publicly recognized.

Sir, in this Bill I should have been happy if there had been a clause respecting her royal highness the duchess of Gloucester, for whom no establishment is mentioned, although the Bill contains a provision for her two children. The honour of the nation, and the splendor of the British crown, call upon us to proceed to ascertain an adequate provision during life for the wives of the royal brothers. It would have naturally taken place in a Bill of this nature, consecrated to the Brunswick line, the elected of Heaven and the people, as the protectors of our liberties, if ministers had adopted the same liberality of sentiment, which pervades the nation. Is this parliament, Sir, doomed to counteract the wishes of a whole kingdom? or is it meant to attempt the subjecting every branch of the royal family to the same servility, which has characterised the present majority in this House?

There is not, Sir, a private gentleman among us, who has not painful ideas from the precarious situation of the two royal duchesses, almost unparalleled in any family of distinction. They have still to expect, from the merited esteem of the nation, an establishment adequate to their high rank, and the additional lustre it has received from their unexceptionable, I might say exemplary, conduct. I hope such a provision will be made, and I am very happy that the worthy baronet (sir James Lowther) near me has given the House assurances of his moving it in parliament, if it continues to be neglected by administration. The motion will come from him with weight and dignity, nor can there be a doubt of his generous endeavours being crowned with success.

To facilitate, Sir, so important a business, the previous step I have mentioned seems necessary. Every communication ought to be made to parliament, which can elucidate a matter at present obscure, that we may know the sure grounds on which we proceed. We shall then be in possession of those clear proofs alluded to, without which I do not think we can with propriety enter upon that clause of the Bill in your hand, Sir, which respects the descendants of the duke of Gloucester. I therefore hope, Sir, for the concurrence of the House in a motion for "an humble and dutiful Address to the King, that his Majesty would be graciously pleased to order the proofs of the marriages of their Royal Highnesses the Dukes of Gloucester and Cumberland to be laid before this House."

Lord *Irnham* seconded the motion. His lordship said, though on some personal considerations it must be disagreeable to me to speak on this Bill, yet as it is not of a private nature, but concerns the honour and justice of the nation at large, I return thanks to the hon. member for his motion, and wish the marriages of their royal highnesses the dukes of Gloucester and Cumberland to be fully investigated, established, and circumstantially proved to the parliament and the nation. The right hon. member (Mr. Rigby) says, "Who doubts the legality of the duke of Gloucester's marriage?" Sir, I should have been less surprised at hearing that spoken by any other member than one of the privy council, who must either fail in his memory, or agree with me, that reports prevailed that there were doubts of sufficient proof being established, before the Lord Chancellor, the archbishop of Canterbury, and the bishop of London, sent to Gloucester house to examine into the marriage of his royal highness the duke of Gloucester, by order of the privy council.

It was said, and it is now avowed in parliament, that they neither found certificate nor any living evidence to prove the marriage. That upon the report to the privy council, the entry was made in the book "legally married;" but the privy council determined to leave the word "legally" out. Several occurrences followed, which tended to create doubts in men's minds, such as sending a message to Gloucester-house, upon the duchess proving with child, to propose to them to be married again, and afterwards refusing to bury a child of the duke of Gloucester's in Westminster-abbey. These reports were propagated by the ministers. Is it, therefore, decent or parliamentary, that the same ministers, without first quieting the minds of his Majesty's subjects, and laying the evil spirit which themselves had raised, should in a moment make parliament decisively cut off the legal succession of the House of Hanover. I was not the person to doubt the marriage, and therefore I call for proofs to be laid before parliament. I believe ministers acted in this insolent manner, in order to have a better pretence for insulting the duchess of Gloucester, and to refuse her a maintenance. It like-

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wise answered their purposes abroad, where the same ministers that now declare there never was a doubt of the dukes' marriages, dared to represent to their embassadors and envoys, that no such marriages were established in England.

My wishes are that our benevolence towards the royal family may be open, generous, and in a public spirited line, becoming the nation and the parliament. But by concealment of facts, we may raise suspicions in the minds of those foreign princes included in the succession, whose alliance we now stand in need of, particularly the prince of Brunswick, who led our arms to victory last war, and ought always to be honoured and respected by Great Britain. The opinions of the privy council are liable to change frequently and wantonly—they have given us many recent proofs. I have no commands nor instructions from the duke of Cumberland to assert it, but am sure he neither can nor ought to have an objection to laying the proofs of his marriage before parliament. New ministers may create new doubts. Let the junto who raised such dangerous reports quiet men's minds, not simply by their proceedings in parliament this day, but by some public act to recognize both marriages if duly verified: and out of respect to the nation, if they have none for the princes of the blood, it must then be their duty to make a provision for the dukes to enable them to support their wives, as well as to maintain their children. He insisted, that in full confidence of the sufficiency of the testimony upon these marriages, it would be to the honour and advantage of both duchesses, that the facts in proof should be established by the proper national enquiry, which were the Houses of Parliament.

Mr. *T. Townshend* wished the motion to be withdrawn, for fear it should widen the breach, instead of healing it. He wished to see all the branches of the royal family in affluence, suitable to their high station; and that unanimity and brotherly affection might make them examples worthy of imitation. He was sure the noble lord so nearly allied to Cumberland-house meant well; but feared that his seconding the motion would prove of bad consequence to the interest of the princes. He applauded highly the conduct of the duke of Cumberland, in his attention and feeling behaviour towards lord Chatham, on his lordship's late sudden illness in the House of Lords. He thought both princes had virtues and spirit which might, through a reconciliation with the crown, be employed for the benefit of Great Britain; at the same time he professed himself a sanguine and able friend to Gloucester-house.

Mr. *Walpole* said, the name he bore, made him rise to express his astonishment that the legitimacy of the duke of Gloucester's children should be doubted by any man. He did not accuse the noble lord who seconded the motion: he thought on the contrary that his lordship being fully satisfied, that proofs could be brought of the marriage of the duke of Gloucester, ought from his connection to carry great weight, and hoped he would advise the hon. gentleman to withdraw the motion.

Sir *James Lowther* said, he was the person who moved an increase of income to the two royal dukes last year, on account of their marriages; which marriages he was happy to hear so fully acknowledged by the ministers. That he recommended the most proper public act for acknowledging those marriages, by an immediate suitable provision for the duchesses of Gloucester and Cumberland; and if ministers did not move it, he would. He observed, that something ought to have been done for the duke of Cumberland, as well as for his brother; but recommended to withdraw the motion for the present.

Mr. Wilkes then withdrew his motion: and the Bill passed both Houses without opposition.

Debate on Mr. Hartley's Motion for putting an end to the American War.] April 9. The House being in a Committee on the State of the Nation,

Mr. *David Hartley* rose and said:

Sir; the motions which I shall lay before the committee on the state of the nation to day, are nearly to the same effect as those which I offered to the consideration of the House before Christmas. I was then told by the noble lord (North), that they were more proper for the consideration of this committee, than to be brought, in the first instance, before the House, which in the formal way of ceremonious business might, perhaps, be true; but as my wish was, that the House and the public should be informed in the earliest period of the session, of the unmeasurable expence of the American war, I took that opportunity of giving a computation of the total expence, from the beginning of the war to the end of the

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campaign of the year 1778. There was no objection or refutation then attempted to any of the articles, which are, indeed, incontestable; since that time, this subject has been again canvassed in another House, upon the same documents which I laid before you before Christmas: I have, therefore, very little more to do now, than to walk over the ground again, and just to recite the documents upon which the motions which I shall offer to the committee are founded.

In computing the expence of this American war, I shall state the expence of the Navy, Army, and Ordnance in each year since the commencement of the war, and subtract from the expence of each year respectively, the average expence of the navy, army, and ordnance, in the time of profound peace. The difference will shew the expences occasioned by the war.

The first article which it is necessary to state, is the ordinary expence of the Navy, Army and Ordnance upon the peace establishment, under the following heads:

Navy.	£.
16,000 seamen	832,000
Ordinary of the navy, upon an average, from 1764, to 1772	410,000
Ship-building, upon an average, from 1766, to 1770	284,000
Annual increase of the navy debt upon 16,000 seamen, on the average of 1765, 66, 67, 68, 69	111,000
Average Peace Establishment for the Navy	1,637,000
Army.	
Guards, garrisons and plantations, about	1,000,000
Chelsea and half pay	230,000
Staff, widows, &c.	15,000
Extraordinaries of the army, upon an average from 1768 to 1775	269,000
Average Peace Establishment for the Army	1,514,000
Ordnance.	
Ordinary	170,000
Extraordinary	50,000
Average Peace Establishment for the Ordnance	220,000
Recapitulation.	
Average expence in time of peace for the Navy	1,637,000
Ditto for the Army	1,514,000
Ditto for the Ordnance	220,000
Total Peace Establishment for Navy, Army and Ordnance	3,371,000

Having thus got a computation of the ordinary peace establishment, I have taken from the Journals the amount of the expences incurred in each year since the commencement of the war, each in totals, are as follows:

	1775.	1776.	1777.
Navy	2,496,538	4,153,214	4,590,458
Army	2,206,457	4,799,008	4,003,948
Ordnance	451,230	522,360	620,594
Total for each year	5,154,225	9,474,582	9,215,000
Deduct, Peace establishment	3,371,000	3,371,000	3,371,000
Excess £.	1,783,225	6,103,582	5,844,000

The sums already voted for the present year 1778, are as follow:

For the Navy	4,005,895
For the Army	2,842,557
For the Ordnance	382,816
	7,231,268
Articles to be added upon computation, viz. Militia	500,000
Expences upon the vote of credit and for extraordinaries of the army in 1778	2,500,000
Encrease of the navy-debt in 1778	2,000,000
Extras for the ordnance in 1778	400,000
Total Navy, Army, and Ordnance for 1778	12,631,268
Deduct the ordinary peace establishment	3,371,000
Excess in 1778 £.	9,260,268

These are the excesses of the several years of this war above the current peace establishment, viz.

Excess for 1775	1,783,000
1776	6,103,000
1777	5,844,000
1778	9,260,000
£.	22,990,000

But this is by no means the whole, for besides these expences, there must remain immense arrears upon the winding up at the conclusion of any war, even if it be supposed that this fatal American war, with all its consequences, could be brought to an end with the present year. In making an estimate of this article, we must look at the experience of the last war, which produced arrears and unliquidated demands to the amount of near 10,000,000*l.* In the present case, the great distance of

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the scene of action will enhance every article, being in a country where during the last war every thing was friendly and assisting you, but now unfortunately totally the reverse. The charge of paying the troops till they can be brought home, and before they can be disbanded, particularly the foreign troops, for some of which we are to pay even 12 months after they are returned into their own country; the expence of re-conveying our army, artillery and stores across the Atlantic, and sending the foreigners to Germany, with all our subsidies, arrears, and demands of every sort, which will be coming in upon us from year to year, and probably a war with the House of Bourbon, cannot be estimated at less than 10,000,000*l*. Therefore the total expence will stand thus,

	£.
For the excesses of the Navy, Army, and Ordnance, above the current peace establishment, as arranged under the respective years 1775, 1776, 1777, 1778	22,990,000
Arrears by computation, after the close of the war, supposing it to be brought to a termination by the end of the year 1778 . . .	10,000,000
£.	32,990,000

This sum, enormous as it is, will, I fear, be very short of the reality. At what rate shall I set the loss and destruction of the trade of this country, with all its rich resources and produce? At what rate shall I set the loss of 13 provinces, once the pride and strength of the parent state? At what rate shall I set the ruin of the British navy, which has hitherto been the bulwark of this country? At what rate shall I set the lives of many thousands of British subjects, whose valour might have been reserved for the defence of their country, instead of being thrown away in the attempt to entail slavery upon the new world? These are losses not to be estimated in the vile trash of pounds, shillings, and pence. When will these follies come to an end? The trade, the revenues, and all the strength and resources of this country, are sacrificed to the pursuit of this mad and ruinous war. We have already wasted as much money as the principal of a 3*s*. land mortgaged for ever would amount to. The interest of 33 millions, at only 4 per cent. is 1,320,000*l*. per annum, which is more than the net produce of 3*s*. in the pound upon land.

It is endless to recapitulate all the grievances and follies of this war. It is more than simply self-destruction; it is ruin twice told; for it is not only cutting off our marine and commerce, but it is throwing both from out our own hands into the lap of our enemies. America is the source of the British marine; three ships out of four upon which the British commerce is navigated, are of American building. That marine, and that commerce, which once were ours, are driven from our ports into those of France. Public credit must, in the end, sink under such conduct. When the commerce and the marine of this country are destroyed, all the means of supporting public credit are gone. Our merchants are crushed, and not supported by the government they live under; what can we expect but perpetual bankruptcies, with which every Gazette is now filled? Even since the commencement of the present session, the public funds are fallen 25 per cent. the 3 per cents from 80 and upwards, down to 60: that fall is the destruction of 20 millions of property: 33 millions may be set as the ostensible expence of the war: but it is only a small part of the total of the destruction of property occasioned by the war; 20 millions more of the property of the stockholders have been annihilated in a few months. The price of land is fallen in the same proportion. What is the landed gentleman to do, who is called upon to discharge a mortgage which may be upon his estate? He must sell his land, perhaps, at 20 or 25 years purchase, instead of 30 or 35, and his pittance which remains must stand the brunt of taxation accumulated in every shape. The havoc and ruin of this accursed American war overtakes us at every turn. Neither the landed man, nor the merchant, nor the manufacturer, nor the widow, nor the orphan, can escape its fury. All these curses are entailed upon us by the continuance of the American war. The advisers and conductors of this war have a heavy account to answer for to their country. There are 30 or 40,000 seamen lost to this country; 30 or 40,000 land forces destroyed; between 30 and 40 millions of money wasted and consumed; 100 ships of capital force cut off from our natural strength; whole armies swallowed up, and all this to purchase the loss of 13 colonies; and, perhaps, when we have stripped ourselves of our natural powers of defence, we may invite an invasion at home, and bring the seat of war to our own coasts. Surely,

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therefore, upon the sum total of the experience which we have so dearly bought, and upon the certain prospect of all the farther evils which threaten this country, I am justly entitled to recommend it, as the opinion of this committee, that it is unbecoming the wisdom and prudence of parliament to proceed any farther in the support of this fruitless, expensive, and destructive American war.

I never can refrain from pressing again and again the necessity of an immediate peace with America. There is nothing that can destroy the powers and faculties of this country, but its being divided against itself. Give us peace with America, and we shall be ourselves again. Give us again our American family compact, and I shall be the last man to fear the House of Bourbon; and with reason, for confidence should not be vain and visionary, but should take reasonable grounds for its foundation. The unfortunate treaty which is already too far advanced between France and America, may possibly deprive us of the assistance of America in any contest with France, even if you were to make peace with America this moment. But in any case we should at least recover to our use 100 ships of force, which are now cut off from us, we might recover the use of 30 or 40,000 men both by land and sea, either for defence, or for offence, if necessary. If you would make peace with America upon equal and fair terms, trade would again return to your ports, and public credit would thereby feel the means of support. And besides this, what is beyond every thing else in national operations, unanimity would give vigour to our counsels. Foreign powers, instead of despising us for our folly, and lying in wait to take advantage of the wasting of our strength, would stand in awe of the powers of this country, when conducted upon the principles of wisdom and justice, and abandon the thoughts of any insults or attack upon the honour or rights of this country. They have shrunk under its power when united, and conducted by an able administration. The means are still the same, if there were the same wisdom in our counsels.

No man can charge me with disparaging the powers and faculties of my country; my sentiments have always been that they exist in all their vigour, but that they are misapplied. They are not directed against the natural enemies of this country but against itself. I would wish that this distinction should make an impression upon the minds of the committee, and of the public, and of all foreign courts. If you would be prevailed upon to relinquish this fatal war, all would be well. There would then be no ground left for a war with France, or with any part of the House of Bourbon. And if they were either so unreasonable, or so unwise, as unnecessarily to provoke a war, we should be well prepared, and capable of resenting every insult, and of repelling every attack upon the national honour. But it is our folly alone that tempts them. I have pleaded so zealously for the restoration of peace with America, that I wish to attach the explanation with it, as not undervaluing the powers of this country in respect to any foreign nations if we were at peace with ourselves. It is no disparagement to any country to advise them against impossibilities. Give us peace with America, and there is nothing under Heaven that this country needs to fear. For these reasons I have drawn up a particular Resolution expressive of this well grounded confidence, if such measures of wisdom are pursued, by which the national faculties and exertions may be reserved, for the just and necessary occasions of supporting its own dignity, and defending its own rights, instead of profusely lavishing them away in the pursuits of injustice, folly and madness.

But it may be said, "How shall we obtain peace; and upon what terms? We would have an honourable peace." And so we may; for who makes war with us? It depends upon ourselves. We have only to relinquish our folly and Quixotism, and there is an end. It is the madness of the undertaking, and the obstinacy of persevering even after conviction that is dishonourable. The dishonour comes from them who would precipitate their country into impossibilities, who advised the King not even to give an answer to the united petition of all America, when they were at the feet of this country seeking for justice. You spurned them from you with indignation. It was the ministry of this country who would admit of no reasonable or constitutional terms. I say, reasonable and constitutional terms, because I presume that the ministry themselves will so denominate the terms which have been lately voted in this House in those Conciliatory Bills, which have received the unanimous sanction of the legislature. If those terms are reasonable and constitutional now,

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then they always were so; yet these Bills contain neither more nor less than the very offers which were made to this country from the Congress in their last petition three years ago. Many and many propositions, tantamount to these, have been made by the opposers of this mad war, but the ministry have always crushed them by an inflexible influence in the counsels of this House. I myself did, more than three years ago, on the 27th of March 1775,* offer to this House the very identical terms, or nearly so, which are contained in your late Conciliatory Acts, and which were taken as the foundation of the petition of the Congress in the month of July 1775. The draught of a letter of requisition to the colonies in the usual and accustomed manner, which I then laid before you, might have made peace at that time, for those terms were accepted by the Congress in their Petition to the King and Address to the people of Great Britain, a few months after. That they were reasonable and constitutional terms I am justified now at least to say, because in your late Conciliatory Acts they have received the unanimous sanction of the legislature. I hope, therefore, that I may stand acquit for one, as never having sacrificed the honour of this country by any mean or unbecoming proposal. It is not towards those who have opposed this mad war, that you are to look as the causes of the irksome situation in which you find yourselves now. If our advice had been followed, things would not now be as they are. Many thousands of lives, many millions of money would have been saved to this country, much honour and prosperity would have been its lot, instead of the distraction in which we now see ourselves involved.

You are to thank your ministers for having led you to the dishonour of refusing the reasonable and constitutional terms of accommodation offered by your colonies in 1775. That was the fatal æra which gave an inflexible obstinacy to the counsels of this nation, to require absolute and unconditional submission before you would treat. The present minister of the American department entered into his office, with the public avowal of these principles. All Europe was ransacked for mercenaries to impose unconditional submission upon your colonies. What, then, was there left for them to do, but to seek their safety in independence and foreign alliances? It was the ministry of this country which drove the Americans into foreign alliances, by the example of hiring foreign troops, and which reduced them to the alternative of unconditional submission or independence. In this dilemma they chose the latter; and in such a dilemma they should have made no other choice. If you would have conceded to them reasonable and constitutional terms of connexion, they did over and over again disavow every wish or claim of independence. It is the administration of this country who have forced them into independence; they now possess it, nor is it in your power to wrest it from them. Let it be remembered who drove their country to set the whole upon this desperate cast. By the advice of your ministers you set all prudent counsels at defiance, and by the folly of their conduct you have lost America.

We may have peace with America if we chuse it, but not upon the terms that we might have had it at the time when the petition from the Congress was rejected, nor even upon the terms that we might have had six months ago. The only rule that we seem to follow, is, to refuse the terms which may be had at the time, till it becomes too late, and then we see our folly. I myself told the administration in this very place before Christmas, that there was an opening to treat, by which they might have prevented the treaty between France and America. The conduct of the French court towards the Americans had been so deceitful and unsatisfactory, as gave the greatest disgust. I informed them that they might hit the blot, and take advantage of it. My words in this House were, "Do it before you sleep." They slept and did it not. They prevailed upon the House to adjourn itself for two months, and the time was lost. If nothing less than independence will now do, you must thank the administration who have driven things to all extremities. You have tried the event of three campaigns, and have failed in all. You have lost an entire army, you have likewise lost your time to recruit and augment that which remains, and the most probable prospect for sir W. Howe's army, is, that they may share the same fate with that under general Burgoyne, unless you have the prudence to withdraw it in time.

I grieve to see that things are come to so desperate a pass; none of the measures which have brought us to it, had my concurrence. I would have advised far others.

* See Vol. 18, p. 552.

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At present there is no other advice left to be given, but to concede and to confirm that independence to America, which you have forced upon them. I know that you will not consent to this, and that all counsel is vain, but I know likewise that the time will come when you will think it a good bargain to make peace with America, simply upon the terms of independence. I would advise the repeal of the Canada Act, but I know likewise that this will not be done; yet the time may come when this Act may be repealed without your consent. Look to Canada, and perhaps to the Floridas. It might likewise be worth while to think of your West Indian islands. You have driven America into an alliance with the House of Bourbon. Look to the consequences.

For my own part I can only give the advice of a single and insignificant individual. I would seek the alliance and friendship of America. I would cement the two countries together by a mutual naturalization, in all rights and franchises to the fullest extent. We are derived from the same stock; we have the same religion, the same manners, the same language, the same temper, the same love of liberty and of independence; and if we must be seemingly divided, let there at least be an union in that partition. To those who might otherwise have a reluctance to the concession of American independence, let this serve as the more liberal equivalent, Give up freely the less generous claim of an irksome and sterile dominion, and put the "padlock on the mind." I will now, with their permission, read to the committee the motions which I have to make. They are as follow: 1. "That it is the opinion of this committee, that the expence of prosecuting the American war for another campaign, in the year 1778, more especially if, in consequence thereof, this country should be involved in any foreign wars, added to the expences already incurred in the American war, may probably amount to a sum not less than between 30 and 40 millions sterling, which must create an alarming increase of the principal and interest of the national debt, and must require many additional heavy and burdensome taxes, land taxes as well as other taxes, upon the British subjects to defray. 2. That the prosecution of the American war must be destructive of the navigation, trade, riches, and resources of this country, as well as of the lives of his Majesty's subjects, carrying our land and sea forces the distance of 3,000 miles, and thereby laying us open to the insults or attack of any secret or insidious enemy to this country. 3. That among the various causes which may contribute to depress the national funds, or to embarrass the state of public credit, and to weaken the resources of this country, the hostile disunion and division of America against Great Britain must probably be more operative to such fatal effects, than the prosecution of any just and necessary war against a foreign enemy. 4. That it is unbecoming the wisdom and prudence of parliament to proceed any farther in the prosecution of this fruitless, expensive, and destructive American war. 5. That there is no reason to doubt the sufficiency of the powers of this country, or the most animated coercion of them, when disengaged from this fatal American war; and under the conduct of a prudent and vigilant administration, effectually to resent every insult, and to repel every attack, upon the honour of his Majesty's crown, and upon the essential interests of his kingdom, in the prosecution of any just and necessary war, against a foreign enemy. 6. That an humble Address be presented to his Majesty, that he will graciously be pleased to instruct the commissioners appointed to treat, consult, and agree upon the means of quieting the disorders now subsisting in certain of the colonies, plantations, and provinces of North America, to establish, as a fundamental, previous to any treaty, and from which they shall not have liberty to depart, that all persons, born either in Great Britain, Ireland, or the colonies, provinces, and plantations of North America, shall be considered as natural born subjects, and enjoy all rights and privileges as such, throughout all the said dominions in common, in the manner heretofore accustomed."

Lord *North* objected to the motions in gross as well as in detail. He could not agree to the first, from its being erroneously stated, as well from its depending on probability, and its indefinite amount. A sum between 30 and 40 millions was very indefinite; but the error in the stating was the most considerable objection. The fact was, that the expence of the three last years was no more than 18 million or thereabouts, and the additions at the end of the campaign, would be 5 million. This, he said, he could prove, by enumerating the addition to the national debt and other articles. The addition to the national debt was 13 million. The increase of the

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land-tax was 500,000*l.* a year, that made it 14,500,000*l.* The increase of the navy debt was about a million and a half, that made it 16 million, and the sum which we should have saved in case of peace, and which would have gone to pay off a part of the national debt, might be taken on an average at 900,000*l.* a year. So that the sum it had already cost us is no more than 18,700,000*l.* The unfunded debt for the present year will be no more than 3 millions, and the other out-goings altogether would make up no greater a sum than about 23,500,000*l.* He adverted to the hon. gentleman's arguments on the last loan. The reason for his meaning to give the subscribers douceurs, at a time when the stocks had considerably decreased, was, that they might in future trust to the honour of parliament. The first deposit had not been made, nor was there any compulsion upon them to make good their subscriptions. They would have been losers to have it made good, as the stocks then stood; and as parliament must, sooner or later, have made good the deficiency, he thought it provident to give them a further advantage, which would have superseded the necessity of having the aid from parliament next session, as well as brought future subscribers forward, by shewing that they dealt honourably with them. He could not agree with the hon. gentleman, that it would be good policy to keep 5 millions reserved in the Exchequer, while so heavy a load of debt hangs upon the nation. It might, indeed, be advantageous to have such a sum in reserve, as a nest-egg, when we went to market, or as a provision for a rainy day, when we could not go; but he considered it impossible to accomplish such an object in the present state of our finances. He could not, from the most impartial review of his conduct, consider it as criminal. His heart must be excused, though his head might be to blame. With the best and wisest intention, an erroneous conduct might be joined. In a particular manner he justified the measure of the Quebec Act. After the most serious deliberation on the nature of the people, he considered it most prudent and politic to give them the form of government they now enjoy. Not fitted to receive into their state an epitome of our original constitution, he formed a system partly of our own, and partly of the French government, merely as a preliminary to the introduction of a solid system, by a popular assembly. He thought that the civil law of France, to which they had originally belonged, joined to the criminal law of Britain, which was a greater security to the subject than that of the French, would jointly form a system, favourable as a preliminary, until a more regular one could be granted. He concluded with moving that the chairman do leave the chair: which was agreed to.

Debate on Mr. Powys's Motion for enabling the Commissioners appointed to treat with America to declare the Independency of that Country.] April 10. In the Committee on the State of the Nation,

Mr. *Powys* said, that from the exhausted state of the finances of the nation, and the great expence into which the American war had plunged it, nothing at this period, when we were threatened with a French war, could be more necessary to us than peace with America. After the amazing stand that the Congress had made against our armies; after the incredible successes with which their endeavours to shake off their dependence on this country had been attended, it were chimerical to think that they would give up an independence which they had established with their blood and treasure; and which placed them out of the reach of any future minister, who, following the example of the present administration, might, if they returned to their obedience to Great Britain, endeavour to enslave them with arms, victorious arms in their hands; it was the height of madness to think they would treat with us, but as one sovereign and independent state ought with another: it was fruitless then to send out commissioners at a vast expence, whose powers being too limited did not enable them to treat upon such terms. The people would be only amused with the vain expectation that the Americans would return to their allegiance; while nothing was more foreign to their intention; and the kingdom already bending beneath the weight of an enormous debt, would be saddled with vast but unnecessary expences. He should therefore move, in order to procure a peace, at present so necessary, "That the powers of the Commissioners might be enlarged; and that they might be authorised to declare the Americans absolutely and for ever independent."

Mr. *Pulteney* thought the motion injurious to the commissioners. A number of men had raised themselves in the colonies, from obscurity to grandeur, from po-

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verty to riches, from servitude to power; they had the reins of their new government in their hands, which must be wrested from them; it was reasonable to suppose, that they would insist upon it, and, if not overcome by the superior voice of the people, would preserve it. Such a resolution as that moved for, would give them the fairest argument to persuade the people; and independency must be the consequence. But he did not despair of the success of the commission. He believed the tone of the Americans, in general, was against independency. They had been in a manner forced into a measure, which they had not approved of, and it was carried in the Congress by only one or two voices. It was even reasonable, arguing from motives of interest, to suppose that they would prefer dependency to independency. Secured from taxation; relieved from the fear of having any share in the burthen of our debt; protected during war by our strength, and cultivated during peace by our arts—with these advantages joined to dependency, could they wish to be independent? It was not reasonable, that men, attentive to their interests, would forfeit security and protection, for danger and the chimerical notions of nominal grandeur. But it hurt him to hear a proposition urged in that House so destructive to the welfare of Britain. Would not the independency of America be the eve of their advancement into a flourishing naval power? Their situation commanding a species of superiority over all the earth, they would soon rival Europe in arts, as well as grandeur, and their power in particular would rear itself on the decay of ours. Are we, then, so lost to all the feelings of patriotism, that with a wanton hand we would lay the foundation stone of a blockade against our own existence? We were able yet to reduce America, should she be unwise enough to refuse our offers. Efforts would then be made very different from the former. We had till then been engaged in a wrong cause; our ministers had been cruel, unjust, and unconstitutional in their demands, and the hearts of the people were not in the measures adopted. But now the injustice would change sides, and if they refused, they only would be the aggressors. In a war with justice on our side, what would not Britain perform? The national spirit was not extinct, and that was the bulwark of Britain. The state of the funds and finances had been introduced as reasons for evading a war. An inquiry into the internal opulence of this country would extinguish every fear of that kind. The aggregate riches of Britain were not less than 1,000 million. The national debt was only 146 million; a seventh part of the wealth of the kingdom. How, then, could we be so distressed in our finances? In cases of national occasion, we should have reference to the fundamental property of the nation, and all Europe would wonder at our resources, and tremble at our power.

Mr. *Fox* said, he had formed a decided opinion upon the present question, and if he should happen to differ in his sentiments from a venerable character, whom he honoured and revered, the committee would give him credit that no early prejudice, no infant pique, directed his judgment, or influenced his mind. He had considered this matter, abstracted from every other object, and his judgment was formed upon logical, as well as natural reasoning and deduction. The dependency of America he thought it impossible, from our situation, as well as from the nature of the object, for us to regain. She had joined with France in an amicable and commercial treaty. The latter had recognized her independency, and both were bound in gratitude to defend one another, against our resentment on the one hand, or our attempt to break it on the other. If by concession or coercion we attempted to recover the dependency of America, we should have the powers of France and America, and perhaps Spain, to encounter with. If we attempted to punish France for recognizing the independency of America, America would join her, and we should have, in either case, two, if not three powers to combat with. It was probable, that the greatest part of Europe would join in the recognizance. Gratitude on the one hand, and obligation on the other, would unite them in one bond, and we should experience the joint efforts of all, if we attacked one. If, on the contrary, the committee agreed to the motion, and thereby recognized the independency of America, we should be no longer bound to punish the European powers, who had already, or who might do the same: and we should probably secure a larger share of the commerce of the Americans, by a perpetual alliance on a fœderal foundation, than on a nominal dependence.

He could not avoid lamenting to hear

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the language at present used in the House of Commons—namely, that the Americans were not in general inclined to independence. Now, could any thing be more distant from probability? Had we not seen proof upon proof exhibited to the contrary? Had not the provinces, one and all, entered into the most solemn bond not to depart from, or rescind their vote of independency; and had not even thousands of them, in the province of Carolina, as well as in others, taken an oath before Heaven to maintain it? The Congress and the people were the same. Distinct opinions, party distractions, and disunited interests, had not been formed in America, with regard to the great point in which, by their unanimity, they had succeeded. He laughed to hear the contrary asserted; but he hoped sincerely that the hon. gentleman near him (governor Johnstone), and the other commissioners, had more solid grounds to go upon, and more rational hopes of success. He viewed the dependency of America as a matter of very little moment to any part of this country, other than the minister and his dependants. He understood that the appointment of governors, and other officers by the crown, was an object of their contemplation, and one which they esteemed of great consequence. It was meant, he supposed, as an addition to the weight in the scale of government, and this circumstance deserved the most serious attention of the House. The three estates of parliament could no longer be the security and defence of our constitution, than when they remained in an equipoise with regard to one another. If one preponderated, the executive over the legislative, or the legislative over the executive, the superstructure must fall. It was a melancholy, but a certain truth, that the power of the executive had been gradually exerting itself to a predominancy for some years past, and its growth was already dangerous to our constitutional existence. The further advantage that would be thrown into the scale, by the weight of America, would give maturity to its growth, and perpetual dominion to it over the legislative; because, by the exemption from taxation, no degree of weight whatever was added to the legislative state. Taxes were so far necessary to our constitution, seeing that they engaged the people narrowly to watch and resist the influence of the crown. Their lives and properties could only be in danger when the crown became despotic. A security against that danger destroyed their fears; and not being concerned in the advancement or depression of the crown, they did not regard its progress. Good God! then, could Britons with their eyes open, and, sensible of the danger arising from the predominancy of the executive power, wilfully throw so great an addition of strength into it, as the power of appointing the officers to the government of America must necessarily create? Had we not appointments, douceurs, sinecures, pensions, titles, baubles and secret-service money enough already? Did not the creatures of government swarm in every department, and must we add to their number?

He could not see that American independency would so soon rise as the hon. gentleman imagined, to maritime pre-eminence. The Americans could have no inducement to hunt for territory abroad, when what they quietly possessed would be more than they could occupy and cultivate. They would find the advantages of conquest unequal to those of agriculture; and remembering that man has naturally a predilection for the enjoyment of landed property, they would find it impossible, in a country where land was to be had for nothing, to propagate a spirit of manufacture and commerce. Every American, more or less, would become the tiller and planter, and the country might, in some future and distant period, be the Arcadia, but it could never be the Britain of the world.

He reverted to the arguments of the hon. gentleman near him, in regard to the finances of this country. He never was more surprized than he was at hearing a man of sense, introduce such a puerility. The internal opulence of the country might be introduced as a figure of shew, to delude the ignorant into an extravagant idea of our resources; but the people must know that it was a mere delusion. If we were reduced to such an emergency as to have reference to the fundamental opulence, so might our enemy; and comparing the one resource with the other, we must acknowledge that theirs, in that respect, was treble our own. Our natural resources, he knew, were superior to those of our enemy, in proportion to the extent of country; but we ought to remember, that theirs were capable of more improvements without injuring the people than ours. Would ministers but abolish the

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extravagant method of collecting their revenues, the voluptuous manner of expending them, and the enormous extent of the royal expenditure, what a superiority, in point of revenue, might they not effect?

He condemned the Conciliatory Act as totally inadequate to the object, and declared, that if they produced any good end, he should attribute it solely to the influence of the hon. and worthy gentleman (governor Johnstone) who was last joined in the commission. He hoped the committee would consider seriously of the matter before them: there had been enough of treasure fruitlessly wasted; and that they might not waste more on an inadequate commission, he begged them to extend its powers, and thereby secure its success. He could not avoid adverting to the conduct of the ministry, in regard to the French "aggression." He knew not from whence the word came, but he supposed it meant "insult." Himself and others were termed pusillanimous, because they attempted to stem the torrent of rage, that rushed from the bosoms of the ministry on that occasion—they were called pusillanimous, because they were calm; but could they not now, with double energy, send back the term on those men who had confessed that the nation was insulted; who had made the King and the parliament of England confess that they were insulted; and who, for a whole month, had pocketed the insult, without preparing to punish it, or taking a single step for the defence of the nation? He begged the committee to observe, that the ministry, conscious of their own inability, were obliged, when they wanted service to be performed, to call to their assistance the very men who had condemned their measures, and uniformly despised them. But if a peace was to be negociated, or a war to be undertaken, (meaning the appointment of governor Johnstone in the one case, and admiral Keppel and lord Amherst in the other) they were obliged to employ the men on his side of the House.

Governor *Johnstone* doubted, whether it might not be thought imprudent for him to speak at all in the predicament in which he stood. He said it would be presumptuous, in him, to say that the business of the commission would succeed: but he thought he saw so many reasons for thinking so, that he was free to undertake it. It was an experiment to be tried; and he would undertake it on the ground, which the late Conciliatory Acts had laid: it might be an odd thing to say, but he declared freely, that he did not desire his instructions to be enlarged; especially on the point of independency. He looked upon the establishing of the independency of America, as entailing ruin upon this country. There were, indeed, some preliminary matters which he thought still remained to be settled as absolutely necessary to the success of the negociation of the commissioners. The first was the repealing of the Declaratory Law; which was downright nonsense, as it now stood in our statute books, after the repeals we have already made. The other was the repeal of the Canada Act. He said, when these obstacles were removed, as well as those, to the removal of which we already conceded, the Americans could have nothing else to ask. When they had absolute security in the possession of all their rights, what could they wish more? Ask any dispassionate man, or any indifferent power upon the earth, ought they or ought they not, to close with us on the concessions which we offer? Most certainly they ought. While, indeed, we denied them any rights which they were undoubtedly entitled to; while we, with the hand of power, restrained them in the exercise of those which we even allowed they had; while we made an unjust, cruel, foolish and abominable war against them: they were united in their resistance to us; and Britain was divided. Half Britain then was opposed to all America. But now that we offer them such terms as they ought to accept, their resistance will become positive rebellion, and our war a just one. It will then be all Britain against half America. On this ground of independency America is greatly divided. Whatever the people in power may wish and aim at, the great body of the people do not wish to change the government of Britain for that of the Congress. The people of the old settled interest and property do not wish for independency, they rather dread it. Under this state of things; and my information, which I will trust and stand by, tells me that this is the state of things; I do not despair of the success of the commission with the powers it has at present. At least it will be worth the trial. If they are not actually divided in their measures, they are yet so unsettled in their opinion, that we ought to try whether they will be divided. But even supposing that the acknowledging the in-

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dependency of America should become a right measure, I doubt whether this House could declare them independent. Can this House take upon it to dismember the empire? I say it cannot. Although I can never agree to the idea of the independency of America, in the sense that gentlemen have taken it up; yet I would not be thought to entertain a hope of a dependence, such as others expect. Something, perhaps, of an union between two unequal parties, on terms suited to the condition of each, may be had with America. Yet, if the Americans think that France has really supported them, and if they have made a reciprocal treaty with France, it cannot be expected that they should make peace with us without including France. But if France, by false pretences, has drawn them into all the miseries they suffer, and if we can convince them of that, they ought to thank us for getting them out of the hands of France, and conclude a peace with us without thinking of those false friends.

Mr. *Henry Dundas* (Lord Advocate) spurned with indignation at a proposition which, while it endeavoured to secure independence to America, stamped indelible disgrace on Great Britain, by declaring to the world that she was unable to subdue the creatures of her own raising. Every Briton should feel his bosom glow with ardour to destroy the ground-work of such a disgraceful idea: every reasonable provision had been made for the freedom of America in the late Acts; every reasonable proposition had been made to them: every offer which a great people could make, without dishonour to their own children, had been made. If all this would not do: if nothing less than independence would satisfy a people who wantonly began, and obstinately persevered in the most unnatural rebellion, he was proud to say that this country was of such a temper that it would not be dictated to by the most powerful state in Christendom: accustomed to give laws and to humble the proud ambition of her foes, Great Britain needed only to be roused: such a refusal on the part of the Americans to treat but as an independent people, would, he hoped, be sufficient to rouse her: her great spirit was equal to every effort, to every obstacle: the spirit of this country laughed at despondency; and never made a greater figure in the eyes of the world, than when reduced to such a state as would have made any other country than herself sink beneath the weight of misfortune and despair. He felt his pride hurt, his spirit roused, his rage kindled, by the very insinuation that this country was unable to assert her just rights and support her pretensions to empire. After this, he thought it unnecessary to say that he was averse to the motion, and would give it every opposition in his power.

Mr. *Burke* inveighed bitterly against those who had reduced the nation to the painful necessity of submitting to such terms as the Americans should think proper to insist on. He displayed great clearness of understanding and ingenuity in pointing out the weak side of the arguments advanced by the gentlemen who opposed the motion, and concluded with expressing his hearty approbation of the motion.

Mr. *T. Townshend* thought the motion premature, and moved that the chairman do leave the chair.

Lord *North* was against making any further concessions. He said he had reason to believe the treaty with France was not ratified by the Congress; and as it was certain that France had all along cajoled and abused them, they were not under obligation to give them either assistance or preference. He believed, still, that the minds of the people were inclined to conciliation, and he trusted that the measures already adopted would effect it. He reverted to the expression of an hon. gentleman, that he was obliged to repair to those who despised him, when he wanted service or advice. He declared that it was his invariable pursuit to seek for capable men, without regard to their situations or political opinions. As to a war with France he thought it unavoidable; at least, very probable.

Mr. *Dunning* was against the motion. There was no limit in it, nor could it be construed to what it extended. He wished to preserve the dependency of America.

Sir *G. Savile* said we had been at law with America, that America had gained the trial, and would demand costs.

The chairman left the chair, and there was no division.

Debate on the Bill to exclude Contractors from Sitting in the House of Commons.] April 13. Sir *Philip Jennings Clerke* said, he should not make any long preface to his motion, as its own merit would be a better advocate, and, he trusted, recommend it to every part of the House. The

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people of this country, in all dangers and difficulties, were accustomed to look up to parliament for protection. Our ancestors had maintained many glorious struggles to obtain parliaments; and our brethren in America had profusely lavished their blood to procure a parliamentary representation. When king William delivered this country from the tyranny and oppression of the Stuarts, the first thing he did, was to promise a parliament; but one word was also added—it was "free;" without which it would have been of no value. He not only granted a free parliament, but many Acts passed in that reign to preserve and keep them independent. By the 5th and 6th of William and Mary, all commissioners of customs, excise, salt duties, &c. as being concerned in public money, were excluded from sitting as members in the House. He desired those Acts might be read: which being done, he said, that a new species of placemen had arisen since that time, more dangerous to the constitution, and more prejudicial to the interest of the people, than any excluded by those Acts. These were people who held lucrative contracts under the government. He wished to avoid personalities as much as possible, but he could not help taking some notice of the gold contract. The noble lord (North) had said, that $2\frac{1}{2}$ per cent. had been given originally on that contract; but finding some time after, that it extended itself farther than was at first expected, he lowered the bargain to $1\frac{1}{2}$ per cent. If, then, it would bear a deduction of one per cent. it must appear to the conviction of every man, that 2 per cent. would have afforded a sufficient profit on the first bargain. He said, he had shewn the agreement to a great merchant in the city, and read his opinion, which was, that computing the whole at the average price of 2 per cent the profit amounted to 46,000*l.* That the established commission among merchants, for remitting money, even in small sums, was no more than $\frac{1}{2}$ per cent. which on the sum remitted would amount to 11,500*l.*, so that 34,500*l.* had been given more than the accustomed price. He could name many other instances, where very disadvantageous bargains had been made for the public; but his remark, on the whole, was, that members of parliament would not be contractors, if extraordinary and improper advantages were not given them. We should not hear, he said, a member rise up, and assure the House, he sold his coals as cheap as any merchant in London: another would not engage to furnish coals; another would not engage to provide shoes. He never heard that there were any taylors or shoe-makers in that House. It was impossible not to perceive, that giving these contracts to members was an arrant job, and created a dangerous influence in that House, which must operate much to the injury of the nation; for the more money was raised on the public, the greater was the profit to these gentlemen: they throve upon the spoil of their fellow subjects. America would not submit to be taxed by the parliament of England, because the more money she levied upon them, the more she exonerated her own burden. We seemed to be something in their situation; the more money these gentlemen voted to be raised, the greater would be their profit: to grant away the money of others to enrich themselves, was improper. Many more arguments might be offered, but he would only observe, that from a series of mismanagement, the situation of this country was become very perilous. We were at the edge of a precipice, and, without more public virtue, we must inevitably sink. The very being of this country was hazarded, and unless a total alteration of men and measures took place, we were devoted to every species of calamity, slavery itself, perhaps, not excepted. He then moved, "That leave be given to bring in a Bill, for restraining any person, being a member of the House of Commons, from being concerned himself, or any person in trust for him, in any Contract made by the commissioners of his Majesty's Treasury, the commissioners of the Navy, the board of Ordnance, or by any other person or persons, for the public service, unless the said contract shall be made at a public bidding."

Sir *G. Yonge* seconded the motion, and said it was full time that the House should take the expenditure of the public money, and the several modes of corruption, devised to seduce members from their duty, into consideration.

Sir *J. Mawbey* was severe upon contractors in general; and particularly such as had seats in that House.

Mr. *Harley* wished the contracts to be strictly enquired into, as he was conscious that, upon the most rigid investigation, his would bear the test. He had been all along consistent, both before and since the war; he had always acted upon principle, and had even risked his person

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and life in support of government. He differed widely from the three worthy baronets; for he could solemnly affirm, that his vote in parliament was never influenced by any consideration but the merit of the several questions as they arose.

Mr. *Turner* said, the present question would prove the test of ministers and their friends in that House; for it steered a middle path. It did not merely exclude contractors for being contractors in a fair, open, equitable manner; but for being closet contractors, for being private plunderers; for entering into a conspiracy with a corrupt administration to plunder their country; and either share the spoil with the rest of the public conspirators, or with some others more remote from national observation.

Mr. *A. Bacon* said, he was a merchant, and had honestly served an apprenticeship for seven long years to an eminent merchant; and when he had contracts, he fulfilled them fairly and honestly. He had often voted against ministers, and voted for the repeal of the Stamp Act; he could not conceive why contractors should be treated in so unbecoming, nay, contemptuous a manner—as if they were monsters, and not fit for human society.

Sir *Cecil Wray* said, he always disliked private contracts. The present motion was not against the persons or characters of contractors, but to prevent the foul deeds imputed to ministers, and men supposed to be leagued together to rob the public. The minister, if he considered properly his own reputation and personal satisfaction, ought to support the motion. Those who wished to contract, on the other hand, would be relieved from all that obloquy, which necessarily follows the present mode of serving the public, in a private manner.

Colonel *Barré* said, contracts ought to be open, and offered to the highest bidder. The gentlemen rise one by one, and say, "I am not influenced; I have voted sometimes one way, sometimes another." This, however, must be taken upon the bare credit of the hon. gentlemen. I have indeed observed, that gentlemen of this description, when Bills for laying duties on ships going out or coming into harbours, or to build or repair piers, or for passing light-houses, sometimes differ from administration, but upon no other, that I can recollect, during a very long knowledge of this House.—The colonel next observed, that he remembered a gentleman in that House who rose in a very haughty tone, and avowed his independence; yet, upon further enquiry, this same independent gentleman turned out to be in possession of a private contract, which brought him in 30,000*l.* a year. He owned he suspected it at the time; and it was that suspicion which led him to the discovery of the fact. He said, he was himself a contractor with the public; and was actually entered into a contract with twenty persons; [The Select Committee on the Public Expenditure of the public money.] He did not know how he should get out of it, or rather, how he should die in it; not for fear of any personal violence, but how he should get his dinner. He then made several severe allusions to contracts and contractors, and insisted that the public money had been shamefully and traitorously lavished. He said, suppose a minister, during the recess of the Treasury board, should send for a contractor, and give him a large contract, in which the nation was to be plundered of 30 or 40,000*l.* or more; and suppose the Treasury board should meet after the said recess; and that after this closet arrangement the minister should, through neglect, forget, or purposely omit, to mention a syllable of this closet contract—suppose, I say, not a single iota of the contract should be mentioned; surely this must be a private contract with a witness; and the minister must be entitled to the public thanks of his country.

Lord *North* replied, that the facts alluded to would come before the House properly authenticated, from the Select Committee. He therefore wished gentlemen would suspend their opinions. He said, if he had made any contracts, he had made them for the public benefit; and if they had turned out otherwise, it was not his fault; at least, whatever he had done, he did for the best.

Lord *George Gordon* * said, that he

* Lord George Gordon, son of Cosmo-George, duke of Gordon, was born in London, Dec. 19, 1750, and George the Second was his godfather. He early entered into the navy, but quitted it during the American war, in consequence of an altercation with the earl of Sandwich about promotion. In 1774 he was elected member for Luggershall. An alarm having been excited by the repeal of certain penal statutes against the Roman Catholics in 1779, lord George was chosen president of the Protestant Association at London; and on the

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was sorry to differ in opinion with the noble contractor in the blue ribbon, the right honourable privy counsellor contractor, and the rest of the honourable contractors on the other side the House, who had delivered their sentiments in opposition to the motion. He took the liberty of rising to declare his hearty concurrence with the very respectable and eloquent members near him, who, with so much power and persuasion, had delivered to the House unanswerable arguments for giving their assent to bring in the Bill. That, having mentioned the noble lord as the head of the contractors, he would take the liberty of instancing one example of it in very few words to the House. He said, that noble lord was the greatest of all contractors; he was a contractor for men; a contractor for your flock, Mr. Speaker, [addressing himself to the Chair] a contractor for the representatives of the people; that noble lord proposed to give a place of 1,000*l.* a year, provided a noble duke would prevail on the most insignificant member in that House to vacate his seat in parliament. The noble duke behaved like a man upon the occasion; like a friend, like a brother; he rejected the villainous proposition that noble lord had the assurance to make. He then told the House, he was not acquainted with the noble lord; he had never spoke to him; he had never the honour of being introduced to him; but he sincerely wished him to save his country and his own life. He desired him to call off his butchers and ravagers from the colonies; to retire with the rest of his Majesty's evil advisers from the public government, and make way for honest and wiser counsellors; to turn from his wickedness and live; it was not yet too late to repent; the public clamour for revenge was not yet raised against him; his Majesty's troops were not yet totally defeated in America.

Lord *North* denied that the proposition the noble lord had alluded to was a villainous proposition; and objected to the word villainous, as highly unparliamentary and improper.

Lord *George Gordon* replied, that he retracted the epithet villainous, as an unparliamentary expression; but defied the noble lord, or any man, to deny the veracity of what he had related, and left it to the breast of every member to apply an epithet more suitable to a treaty of that nature, with brother for brother.

The House divided:

Tellers.

Yeas	Sir P. J. Clerke - - Mr. Turner - - -	71
Noes	Sir Grey Cooper - - Mr. Bacon - - -	50

So it was resolved in the affirmative.

May 1. The said Bill was brought in and read a first time. The ministry did not oppose arguments to the Bill, but trusted to numbers; but in this they were disappointed; and lord North was again in the minority. For on the question being put for the second reading, the House divided:

Tellers.

Yeas	Mr. Powys - - - - Mr. Baker - - - -	72
Noes	Lord Lisburne - - - Mr. Robinson - - -	61

So it was resolved in the affirmative.

May 5. The order of the day being read for going into a committee on the Bill, the question being put, That the Speaker do leave the Chair,

Earl *Nugent* objected to the Bill upon two grounds. It appointed, that all contracts; in which members or their agents were concerned, should be purchased by

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2nd of June 1780 went to the House of Commons, to present their petition, attended by about 60,000 of the petitioners. The dreadful consequences of this measure are well known. Lord George was imprisoned in the Tower, on the 9th June, and tried for High Treason, but acquitted on the 4th Feb. 1781. On the 4th May 1786 he was excommunicated by the archbishop of Canterbury, for not appearing in court as a witness in a cause. In Feb. and June 1787 he was tried before the court of King's-bench, for publishing libels on the queen of France, the French embassador, and the empress of Russia; and also for a seditious pamphlet. Being convicted of these charges, he, on the 25th of June, went over to Holland, where he turned Jew, and was circumcised; but, returning to England in August, he was apprehended on the 7th Dec. at Birmingham; and on the 28th Jan. 1788 was sentenced to imprisonment for five years, and to continue in gaol till he should find bail for his good behaviour in 10,000*l.* Not being able to find bail at the end of that period to the extent required, this operated as a sentence of imprisonment for life. In July 1789, he presented a petition to the national assembly of France, and was visited by several eminent revolutionists. He died 1st Nov. 1793 of a fever, attended with delirium, in the 43rd year of his age.

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auction, and yet government were not bound by it to accept the offer of the lowest bidder; therefore, he thought the Act would be nugatory. Contracts had been in usage for many years, and were considered by the wisest administration as the wisest way of serving the public; it was, therefore, unfair that members of that House should be excluded from their share in a fair mercantile practice till it had been proved upon them that they had made an unworthy use of the indulgence. A committee was sitting, employed in the examination of the contracts now in existence. It would be prejudicing the contractors to do any thing against them before the report from that committee was made. He could not suppose that contracts created any undue influence in the House any more than sinecure places (which, by the bye, he supposed no man on either side of the House would agree to exclude); and the legislature, by tolerating the latter, had determined it to be no prejudice.

Sir *P. J. Clerke* said, the noble lord had very justly stated the principle of the Bill, which was to prevent any undue influence in that House by members holding beneficial contracts under government, and also to guard against an improper expenditure of the public money. If the conduct of the majority of that House for the two preceding years was adverted to, there would appear to be too much reason to apprehend, that some improper influence had prevailed; how else could it be accounted for, that a great number of gentlemen should uniformly pursue measures of force and violence, should declare they would never consent to a peace with America while there was a ship that could swim, or a soldier carry a musket? Others declare they would bring them on their knees; others talk of starvation; and every one of those gentlemen, above two hundred, in one morning, in one half hour, all change their opinions, confess themselves to have been in an error, and all adopt a new conduct, and submit to become suppliants for that favour which, when they had the power, they with so much haughtiness refused to grant. Such a versatility of conduct could not possibly be ascribed to a sudden general conviction; no man with a grain of sense could imagine it was. When it has been already proved, that one man got more than 35,000*l.* above the ordinary profit on one contract, it was unnecessary to say that an ill use had been made of the public money. The noble lord in the blue ribbon had declared, that he did not wish to see contracts given to members of parliament: but his words and actions had not corresponded, as he had shewn an extraordinary avidity to get contracts into his hands, particularly one for hiring ships; when he had stepped out of his own department into that of the Navy-board, which was somewhat hurtful to the public, as the business had been always carried on there by public bidding, and no complaint had ever been made. The noble lord told the House, that the Navy-board had excused themselves from this contract, as being too full of business. It was true they did refuse it; it was put to them in a way to insure their refusal; the noble lord wished them to refuse it, and put the question to them as an old man puts a question to a fine woman, in making her to say yes, and wishing nothing so much as to have her say no. The noble lord's wishes prevailed; and how did it answer to the public? Why, one of these ships carried out to America 100 wheelbarrows, one smith's forge, and a pair of bellows, for which the nation paid 1,300*l.* The object of the Bill was to take care that the public should not be defrauded out of that money which they so liberally granted to defend the nation; and he could not conceive that any member could be so regardless of the interest of his constituents as to say they should be. He therefore hoped that, for the honour and credit of the House, the Bill would pass.

Sir *Edward Astley* observed to the noble lord (Nugent), that though he might call it prejudging the contractors to enter on the business before the House, till the report from the select committee was made, he assured him, as he was one of that committee, that the report would sufficiently prove the necessity of the Bill. The noble lord had thrown out a kind of reflection on the House at large, by saying they would not wish on either side to preclude pensioners and placemen from seats. He declared he, for his own part, wished such a motion was made, as he would be happy if every placeman and pensioner was shut out, and he would zealously espouse such a motion.

Mr. *Wombwell* objected to the motion, because he believed putting up contracts to sale, would be prejudicial to the public service. Men inadequate to the accomplishment of the contracts, would at all times bid lower than men of ability and

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reputation, and they would do much more injury by serving the public badly, than the difference of expence. He had seen instances of it in the contracts of the East India Company, and those of so fatal a nature, that he could not agree to the motion. Gentlemen unacquainted with business, and of little consequence in the eye of the public, might move for reformations in every department of government.

Mr. *T. Townshend* called him to order, and said, a gentleman rises in his seat, who holds a contract himself from government, and in the assembly of the nation dares to call the mover of a question, one of the most independent members of the House, a man of no consequence. He would give that hon. gentleman to understand, that the gentleman referred to, in better times than the present, merited a seat in that House, while others ought to stand at the bar.

Mr. *Wilbwell* resented the insinuation, and after explaining what he had said, added, that the hon. gentleman had not made a pertinent, but a very impertinent conclusion from it. He explained his own contract to the House.

Earl *Nugent* observed, that the hon. gentleman had meant no affront by the expression. The House would remember he was a merchant, and 'a man of no consequence' was a mercantile phrase, and meant no more than a man unknown upon 'Change. [This created a laugh, and quieted the House.]

Sir *W. Gordon* condemned both sides of the House, panegyrised both sides of the House, sided with neither side of the House. He had come into parliament with a determination to be a patient hearer; his patience was exhausted, and he was determined to turn speaker. The conduct of the House was intolerable, he knew not where to place himself. If on the ministry side, he should be called by the opposition a pensioner; if on the opposition, he should be called by the ministry a factious man. The conduct of the House rendered his opinion of mankind day by day worse; and yet he believed both parties voted from a principle of honesty, and a conviction of rectitude.

Mr. *Byng* observed, that the crowded appearance of the House, no doubt, gave the ministerial phalanx ground for hope, that they would not be again defeated in this favourite point. He knew what miserable arts had been used to collect the ranks, but he trusted they would be a third time routed. The Treasury message cards had been circulated upon this occasion with rather too much notoriety; even the hour of appointment had come to the ears of people not called on the occasion. I twas cautiously done, however, to mention the hour, that the minister might not again, if he chose to oppose numbers for want of argument to the question, be worsted. He hoped the Bill would pass.

Lord *George Gordon*. I rise to declare my happiness in concurring with the very respectable baronet on the floor, who with a laudable zeal for the credit of the House, has this day moved the commitment of the Contractors' Bill. It meets with my hearty approbation, as being one of the many steps absolutely necessary to be taken towards regaining the confidence and respect of the people to the privileges of parliament. I confess, at the same time, it is an Herculean labour the hon. member has undertaken: for I think the cleansing king Augeas's stable from the filth and dirt of 3,000 oxen, for the space of thirty-nine years, in the course of a day, was a mere play and pastime, compared to the arduous task of restoring this House to its ancient and original purity. Though the hon. baronet is not quite so strong as Hercules, he is supported in his endeavour of to-day by truth, justice, and good policy: which, added to his own abilities, with that great respect which every member in this House, as well as his countrymen at large, entertain for his intentions to promote the welfare of the public, will, I hope, induce a very great majority to approve his present proposition.

Sir, this dunghill of contracts has given an ill air to our whole proceedings. It has got wind abroad, and proves very offensive to the public nostrils; our constituents begin to smell a rat; they nose us in the lobby, and call us (with more truth, I am afraid, than politeness) taylors and shoemakers; colliers and cabbage-salters, potatoe-forestallers, sour-crout-makers, and swine contractors. Our mace is tarnished with this dunghill; our authority choaked, and the dignity, reputation, and fair name of the Commons are smothered, and sinking in porter and salted-cabbage, shoes, sour-crout, and potatoes. Foh, Mr. Speaker! what a nauseous banquet have the Treasury invited their friends from their pleasant gardens and villas in the country to partake of in the month of May! An hon. member (Mr. A. Bacon) one of the

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most ancient contractors within these walls, and, as I am told, a considerable merchant in the city, has mentioned that contracting in this House was the very spirit of trade. So I believe it is; and the noble lord in the blue ribbon may possibly find, when the day of trouble and adversity shall arrive, that that very spirit of profit, which induced Inkle to sell Yarico, may tempt some few steady friends of his prosperity to contract for, and furnish out the black cloth and scaffolding at their unhappy patron's execution.

Mr. Serjeant *Adair* said, he was certain, that among the merchants of London, many might be found as adequate to the execution of a contract as any member of that House; yet he was sensible, that in case of a competition he who had a seat would be preferred; and this created a fair conclusion, that contracts were beneficial to the minister. He would wish that a clause, however, were inserted into the Bill, preserving the present contractors from its tendency; they had made their treaties before its existence, and it ought not to be of an *ex post facto* nature. He recurred to what a noble lord said in the outset of the debate, that pensioners and placemen ought to be excluded, as well as contractors. He from his heart thought so, and was sincerely of opinion, that there never would be an independent House of Commons until such an event should take place.

Governor *Pownall* was for going into a committee; because the sense of the House had already been twice taken upon it, and a respectable majority having both times appeared in favour of it, he thought there was an indecency upon a small majority to refuse sending the Bill to a committee.

The question being put, That the Speaker do now leave the chair, the House divided:

Tellers.

Yeas	Mr. Thomas Townshend Mr. Byng	113
Noes	Sir Grey Cooper Mr. George Onslow	115

So it passed in the negative. It was then moved, "That this House will, upon this day two months, resolve itself into a committee upon the said Bill." The House divided:

Tellers.

Yeas	General Fraser Mr. Bacon	113
Noes	Sir Cecil Wray Mr. Elwes	109

So it was resolved in the affirmative. The Bill was consequently lost.

PROCEEDINGS IN THE COMMONS ON THE IRISH TRADE BILLS.*] April 2.

* "The distresses of Ireland had long been an object of regret, even with many of those who had no particular interest in that country. Without entering into the causes from which these originated, it will be sufficient to observe, that they had grown to their present alarming and deplorable state under the unhappy consequences of the American war; so that the country became unequal to the support of that great establishment, with which it had (perhaps too inconsiderately) encumbered itself, when the flourishing state of all other parts of the British empire, had diffused a considerable degree of prosperity even thither. This state of affairs became now so notorious, and the consequences were said to be so urgent, that the ministers were at length convinced of the necessity of paying attention to them; and of affording some immediate satisfaction to the feelings, if not an entire redress to the grievances of that people." Annual Register.

The following LETTERS will be found to throw much light on the subject of these Bills:

TWO LETTERS from Mr. Burke, to Gentlemen in the City of Bristol, on the Bills depending in Parliament relative to the Trade of Ireland, 1778.

To Samuel Span, esq. Master of the Society of Merchants Adventurers of Bristol.

Sir; I am honoured with your letter of the 15th, in answer to mine, which accompanied the Resolutions of the House relative to the trade of Ireland.

You will be so good as to present my best respects to the Society, and to assure them, that it was altogether unnecessary to remind me of the interest of the constituents. I have never regarded any thing else, since I had a seat in parliament. Having frequently and maturely considered that interest, and stated it to myself in almost every point of view, I am persuaded, that, under the present circumstances, I cannot more effectually pursue it, than by giving all the support in my power to the propositions which I lately transmitted to the hall.

The fault I find in the scheme is, that it falls extremely short of that liberality in the commercial system, which, I trust, will one day be adopted. If I had not considered the present resolutions, merely as preparatory to better things, and as a means of shewing experimentally, that justice to others is not always folly to ourselves, I should have contented myself with receiving them in a cold and silent acquiescence. Separately considered,

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Earl *Nugent* moved, "That this House will, upon Tuesday morning next, resolve itself into a committee of the whole House, to take into consideration the several acts of parliament relating to the Trade and Commerce of Ireland." He observed that the conduct of Great Britain towards the sister kingdom had been no less impolitic than unjust, and that the present situation of public affairs called particularly on this country to enter into a revision of the Irish trade laws.

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they are matters of no very great importance. But they aim, however imperfectly, at a right principle. I submit to the restraint to appease prejudice: I accept the enlargement, so far as it goes, as the result of reason and of sound policy.

We cannot be insensible of the calamities which have been brought upon this nation by an obstinate adherence to narrow and restrictive plans of government. I confess, I cannot prevail on myself to take them up, precisely at a time, when the most decisive experience has taught the rest of the world to lay them down. The propositions in question did not originate from me, or from my particular friends. But when things are so right in themselves, I hold it my duty, not to enquire from what hands they come. I opposed the American measures upon the very same principle on which I support those that relate to Ireland. I was convinced, that the evils which have arisen from the adoption of the former, would be infinitely aggravated by the rejection of the latter.

Perhaps gentlemen are not yet fully aware of the situation of their country, and what its exigencies absolutely require. I find that we are still disposed to talk at our ease, and as if all things were to be regulated by our good pleasure. I should consider it as a fatal symptom, if, in our present distressed and adverse circumstances, we should persist in the errors which are natural only to prosperity. One cannot indeed sufficiently lament the continuance of that spirit of delusion, by which, for a long time past, we have thought fit to measure our necessities by our inclinations. Moderation, prudence, and equity, are far more suitable to our condition, than loftiness, and confidence, and rigour. We are threatened by enemies of no small magnitude, whom, if we think fit, we may despise, as we have despised others; but they are enemies who can only cease to be truly formidable, by our entertaining a due respect for their power. Our danger will not be lessened by our shutting our eyes to it; nor will our force abroad be increased by rendering ourselves feeble, and divided at home.

There is a dreadful schism in the British nation. Since we are not able to re-unite the empire, it is our business to give all possible vigour and soundness to those parts of it which are still content to be governed by our councils. Sir, it is proper to inform you, that our measures must be healing. Such a degree of strength must be communicated to all the members of the state, as may enable them to defend themselves, and to co-operate in the defence of the whole. Their temper too must be managed, and their good affections cultivated. They may then be disposed to bear the load with cheerfulness, as a contribution towards what may be called with truth and propriety, and not by an empty form of words, a common cause. Too little dependence cannot be had, at this time of day, on names and prejudices. The eyes of mankind are opened; and communities must be held together by an evident and solid interest. God forbid, that our conduct should demonstrate to the world, that Great Britain can, in no instance whatsoever, be brought to a sense of rational and equitable policy, but by coercion and force of arms!

I wish you to recollect, with what powers of concession, relatively to commerce, as well as to legislation, his Majesty's commissioners to the united colonies have sailed from England within this week. Whether these powers are sufficient for their purposes, it is not now my business to examine. But we all know, that our resolutions in favour of Ireland are trifling and insignificant, when compared with the concessions to the Americans. At such a juncture, I would implore every man who retains the least spark of regard to the yet remaining honour and security of this country, not to compel others to an imitation of their conduct; or by passion and violence, to force them to seek in the territories of the separation, that freedom, and those advantages, which they are not to look for whilst they remain under the wings of their ancient government.

After all, what are the matters we dispute with so much warmth? Do we in these resolutions bestow any thing upon Ireland? Not a shilling. We only consent to leave to them, in two or three instances, the use of the natural faculties which God has given to them, and to all mankind. Is Ireland united to the crown of Great Britain for no other purpose, than that we should counteract the bounty of Providence in her favour? And in proportion as that bounty has been liberal, that we are to regard it as an evil, which is to be met with in every sort of corrective? To say that Ireland interferes with us, and therefore must be checked, is, in my opinion, a very mistaken, and a very dangerous principle. I must beg leave to repeat, what I took the liberty of suggesting to you in my last letter, that Ireland is a country, in the same climate, and of the same natural qualities and productions, with this; and has consequently no other means of growing wealthy in herself, or in other words, of being useful to us, but by doing the very same things which we do, for the same purposes. I hope that in Great Britain we shall always pursue, without exception, every means of prosperity, and of course, that Ireland will interfere with us in

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Mr. *Burke* spoke to the same purport. Ireland was now the chief dependency of the British crown, and it particularly behoved this country to admit the Irish nation to the privileges of British citizens.

Mr. *Baker* said, the restrictions on the Irish trade defeated themselves, and, instead of promoting the staple manufactory of this country, that of woollens, had the direct contrary effect, by furnishing the French with raw materials, which enabled them to undersell us in all the markets of Europe.

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something or other; for either, in order to limit her, we must restrain ourselves, or we must fall into that shocking conclusion, that we are to keep our yet remaining dependency, under a general and indiscriminate restraint, for the mere purpose of oppression. Indeed, Sir, England and Ireland may flourish together. The world is large enough for us both. Let it be our care not to make ourselves too little for it.

I know it is said, that the people of Ireland do not pay the same taxes, and therefore ought not in equity to enjoy the same benefits with this. I had hopes, that the unhappy phantom of a compulsory equal taxation had haunted us long enough. I do assure you, that until it is entirely banished from our imaginations, (where alone it has, or can have any existence) we shall never cease to do ourselves the most substantial injuries. To that argument of equal taxation, I can only say,—that Ireland pays as many taxes as those who are the best judges of her powers, are of opinion she can bear. To bear more, she must have more ability; and in the order of nature, the advantage must precede the charge. This disposition of things, being the law of God, neither you nor I can alter it. So that if you will have more help from Ireland, you must previously supply her with more means. I believe it will be found, that if men are suffered freely to cultivate their natural advantages, a virtual equality of contribution will come in its own time, and will flow by an easy descent through its own proper and natural channels. An attempt to disturb that course, and to force nature, will only bring on universal discontent, distress and confusion.

You tell me, Sir, that you prefer an union with Ireland to the little regulations which are proposed in parliament. This union is a great question of state, to which, when it comes properly before me in my parliamentary capacity, I shall give an honest and unprejudiced consideration. However, it is a settled rule with me, to make the most of my actual situation; and not to refuse to do a proper thing, because there is something else more proper, which I am not able to do. This union is a business of difficulty; and on the principles of your letter, a business impracticable. Until it can be matured into a feasible and desirable scheme, I wish to have as close an union of interest and affection with Ireland, as I can have; and that, I am sure, is a far better thing than any nominal union of government.

France, and indeed most extensive empires, which by various designs and fortunes have grown into one great mass, contain many provinces that are very different from each other in

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privileges and modes of government; and they raise their supplies in different ways; in different proportions; and under different authorities; yet none of them are for this reason curtailed of their natural rights; but they carry on trade and manufactures with perfect equality. In some way or other the true balance is found; and all of them are properly poised and harmonized. How much have you lost by the participation of Scotland in all your commerce? The external trade of England has more than doubled since that period; and I believe your internal (which is the most advantageous) has been augmented at least fourfold. Such virtue there is in liberality of sentiment, that you have grown richer even by the partnership of poverty.

If you think, that this participation was a loss, commercially considered, but that it has been compensated by the share which Scotland has taken in defraying the public charge—I believe you have not very carefully looked at the public accounts. Ireland, Sir, pays a great deal more than Scotland; and is perhaps as much, and as effectually united to England as Scotland is. But if Scotland, instead of paying little, had paid nothing at all, we should be gainers, not losers, by acquiring the hearty cooperation of an active intelligent people, towards the increase of the common stock; instead of our being employed in watching and counteracting them, and their being employed in watching and counteracting us, with the peevish and churlish jealousy of rivals and enemies on both sides.

I am sure, Sir, that the commercial experience of the merchants of Bristol, will soon disabuse them of the prejudice, that they can trade no longer, if countries more lightly taxed are permitted to deal in the same commodities at the same markets. You know, that in fact, you trade very largely where you are met by the goods of all nations. You even pay high duties, on the import of your goods, and afterwards undersell nations less taxed, at their own markets; and where goods of the same kind are not charged at all. If it were otherwise, you could trade very little. You know, that the price of all sorts of manufacture is not a great deal enhanced (except to the domestic consumer) by any taxes paid in this country. This I might very easily prove.

The same consideration will relieve you from the apprehension you express, with relation to sugars, and the difference of the duties paid here and in Ireland. Those duties affect the interior consumer only; and for obvious reasons, relative to the interest of revenue itself,

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Sir *W. Meredith* confirmed what Mr. Baker had said; observing, that the Irish, in order to pay the enhanced value of lands, were obliged to carry their wool to France, where it brought a most exorbitant price.

Mr. *Byng* hoped the narrow policy which induced this country to prevent the people of Ireland from manufacturing their native produce was at an end, and trusted that the House would come to the business with one heart, and a spirit of unanimity.

The motion was agreed to *nem. con.*

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they must be proportioned to his ability of payments; but in all cases in which sugar can be an object of commerce, and therefore (in this view) of rivalship, you are sensible, that you are at least on a par with Ireland. As to your apprehensions concerning the more advantageous situation of Ireland, for some branches of commerce, (for it is so but for some) I trust you will not find them more serious. Milford Haven, which is at your door, may serve to shew you, that the mere advantage of ports is not the thing which shifts the seat of commerce from one part of the world to the other. If I thought you inclined to take up this matter on local considerations, I should state to you, that I do not know any part of the kingdom so well situated for an advantageous commerce with Ireland as Bristol; and that none would be so likely to profit of its prosperity as our city. But your profit and theirs must concur. Beggary and bankruptcy are not the circumstances which invite to an intercourse with that or with any country; and I believe it will be found invariably true, that the superfluities of a rich nation furnish a better object of trade than the necessities of a poor one. It is the interest of the commercial world that wealth should be found every where.

The true ground of fear, in my opinion, is this; that Ireland, from the vicious system of its internal polity, will be a long time before it can derive any benefit from the liberty now granted, or from any thing else. But as I do not vote advantages, in hopes that they may not be enjoyed, I will not lay any stress upon this consideration. I rather wish, that the parliament of Ireland may, in its own wisdom, remove these impediments, and put their country in a condition to avail itself of its natural advantages. If they do not, the fault is with them, and not with us.

I have written this long letter, in order to give all possible satisfaction to my constituents with regard to the part I have taken in this affair. It gave me inexpressible concern to find, that my conduct had been a cause of uneasiness to any of them. Next to my honour and conscience, I have nothing so near and dear to me as their approbation. However, I had much rather run the risk of displeasing than of injuring them;—if I am driven to make such an option. You obligingly lament, that you are not to have me for your advocate; but if I had been capable of acting as an advocate in opposition to a plan so perfectly consonant to my known principles, and to the opinions I had publicly declared on a hundred occasions, I should only disgrace myself, without supporting with the smallest degree of credit or effect, the cause you wished me to undertake. I should have lost the only thing which can make such abilities as mine of any use to the world now or hereafter; I mean that authority which is derived from an opinion, that a member speaks the language of truth and sincerity; and that he is not ready to take up or lay down a great political system for the convenience of the hour; that he is in parliament to support his opinion of the public good, and does not form his opinion in order to get into parliament, or to continue in it. It is in a great measure for your sake, that I wish to preserve this character. Without it, I am sure, I should be ill able to discharge, by any service, the smallest part of that debt of gratitude and affection which I owe you for the great and honourable trust you have reposed in me. I am, with the highest regard and esteem, Sir, &c. E. B.

Beaconsfield, April 23, 1778.

COPY of a LETTER to Messrs. ***** ****** and Co. Bristol.

Gentlemen; It gives me the most sensible concern to find, that my vote on the resolutions relative to the trade of Ireland, has not been fortunate enough to meet with your approbation. I have explained at large the grounds of my conduct on that occasion in my letters to the Merchants Hall: but my very sincere regard and esteem for you will not permit me to let the matter pass without an explanation, which is particular to yourselves, and which, I hope, will prove satisfactory to you.

You tell me, that the conduct of your late member is not much wondered at; but you seem to be at a loss to account for mine; and you lament, that I have taken so decided a part against my constituents.

This is rather an heavy imputation. Does it then really appear to you, that the propositions to which you refer, are, on the face of them, so manifestly wrong, and so certainly injurious to the trade and manufactures of Great Britain, and particularly to yours, that no man could think of proposing, or supporting them, except from resentment to you, or from some other oblique motive? If you suppose your late member, or if you suppose me, to act upon other reasons than we choose to avow, to what do you attribute the conduct of the other members, who, in the beginning, almost unanimously adopted those resolutions? To what do you attribute the strong part taken by the ministers, and along with the ministers, by several of their most declared opponents?

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April 7. The House went into a committee on the Acts relating to the Trade and Commerce of Ireland; lord Midleton in the chair.

Earl *Nugent* opened the business. From a long series of unshaken loyalty, the Irish, he said, were entitled to every encouragement which good and faithful subjects could deserve, and a wise and grateful government could give; oppressive laws had hitherto been their only reward: he did not, however mean to complain; if

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This does not indicate a ministerial job; a party design; or a provincial or local purpose. It is therefore not so absolutely clear, that the measure is wrong, or likely to be injurious to the true interests of any place, or any person.

The reason, gentlemen, for taking this step, at this time, is but too obvious and too urgent. I cannot imagine, that you forget the great war, which has been carried on with so little success (and, as I thought, with so little policy) in America; or that you are not aware of the other great wars which are impending. Ireland has been called upon to repel the attacks of enemies of no small power, brought upon her by councils in which she has had no share. The very purpose and declared object of that original war, which has brought other wars, and other enemies on Ireland, was not very flattering to her dignity, her interest, or to the very principle of her liberty. Yet she submitted patiently to the evils she suffered from an attempt to subdue to your obedience, countries whose very commerce was not open to her. America was to be conquered, in order that Ireland should not trade thither; whilst the miserable trade which she is permitted to carry on to other places has been torn to pieces in the struggle. In this situation, are we neither to suffer her to have any real interest in our quarrel, or to be flattered with the hope of any future means of bearing the burthens which she is to incur in defending herself against enemies which we have brought upon her?

I cannot set my face against such arguments. Is it quite fair to suppose, that I have no other motive for yielding to them, but a desire of acting against my constituents? It is for you, and for your interest, as a dear, cherished, and respected part of a valuable whole, that I have taken my share in this question. You do not, you cannot suffer by it. If honesty be true policy with regard to the transient interest of individuals, it is much more certainly so with regard to the permanent interests of communities. I know, that it is but too natural for us to see our own certain ruin, in the possible prosperity of other people. It is hard to persuade us, that every thing which is got by another is not taken from ourselves. But it is fit, that we should get the better of these suggestions, which come from what is not the best and soundest part of our nature, and that we should form to ourselves a way of thinking, more rational, more just, and more religious. Trade is not a limited thing; as if the objects of mutual demand and consumption, could not stretch beyond the bounds of our jealousies. God has given the earth to the children of men, and he has undoubtedly, in giving it to them, given them what is abundantly sufficient for all their exigencies; not a scanty, but a most liberal provision for them all. The author of our nature has written it strongly in that nature, and has promulgated the same law in his written word, that man shall eat his bread by his labour; and I am persuaded, that no man, and no combination of men, for their own ideas of their particular profit, can, without great impiety, undertake to say, that he shall not do so; that they have no sort of right, either to prevent the labour, or to withhold the bread. Ireland having received no compensation, directly or indirectly, for any restraints on their trade, ought not, in justice or common honesty, to be made subject to such restraints. I do not mean to impeach the right of the parliament of Great Britain to make laws for the trade of Ireland. I only speak of what laws it is right for parliament to make.

It is nothing to an oppressed people, to say that in part they are protected at our charge. The military force which shall be kept up in order to cramp the natural faculties of a people, and to prevent their arrival to their utmost prosperity, is the instrument of their servitude, not the means of their protection. To protect men, is to forward, and not to restrain their improvement. Else, what is it more, than to avow to them, and to the world, that you guard them from others, only to make them a prey to yourself? This fundamental nature of protection does not belong to free, but to all governments; and is as valid in Turkey as in Great Britain. No government ought to own that it exists for the purpose of checking the prosperity of its people, or that there is such a principle involved in its policy.

Under the impression of these sentiments, (and not as wanting every attention to my constituents, which affection and gratitude could inspire,) I voted for these bills which give you so much trouble. I voted for them, not as doing complete justice to Ireland, but as being something less unjust than the general prohibition which has hitherto prevailed. I hear some discourse, as if in one or two paltry duties on materials, Ireland had a preference; and that those who set themselves against this act of scanty justice, assert that they are only contending for an equality. What equality? Do they forget, that the whole woollen manufacture of Ireland, the most extensive and profitable of any, and the natural staple of that kingdom, has been in a manner so destroyed by restrictive laws of ours, and (at our persuasion, and on our promises) by restrictive laws

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he did, his generous countrymen would disavow his complaints: they now saw Great Britain in distress; that silenced their resentment; and, forgetful of their wrongs, unsolicited they now made a tender of their lives and fortunes for our service. If our narrow policy had not kept them low, they would send over something more substantial than addresses; we should see their armies arrive here for our defence. Would the parliament of Great Britain suffer every sentiment of gratitude and justice to be inactive in their breasts? Would they become deaf to the voice of policy? He was sure they would not: and he had not a doubt but the House would give ample proof that they were not void of discernment to see, nor of inclination to reward merit. He had taken a view of all the laws which bare hard on Ireland, and, trusting to the justice and humanity of the House, had drawn up a few Resolutions which he hoped the committee would adopt. Some opposition would, he feared, arise from a quarter from which he could never have expected it, he meant from the West India planters, but he could not conceive why they should oppose a relaxation of the trade laws respecting Ireland; he knew several gentlemen who had plantations in the islands; they told him, that they could allege nothing against the expediency of the measure he was now about to propose. He discovered, indeed, that the planters were much in the power of the merchants here; that the 2½ commission on the sugars exported from this kingdom to Ireland was too lucrative to be given up. He did not doubt but the House would disregard any opposition from such selfish views; he would not, however, have any thing in his motions which could possibly be opposed; he would make them in such a manner, as he hoped would gain them the unanimous approbation of the committee; a circumstance that would make the proposed indulgence to the Irish the more agreeable to that people, and challenge all their gratitude. His lordship then moved, "That all goods, wares, and merchandize, being the produce or manufacture of the king-

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of their own, that in a few years, it is probable, they will not be able to wear a coat of their own fabric? Is this equality? Do gentlemen forget, that the understood faith upon which they were persuaded to such an unnatural act, has not been kept; but a linen-manufacture has been set up, and highly encouraged, against them? Is this equality? Do they forget the state of the trade of Ireland in beer, so great an article of consumption, and which now stands in so mischievous a position with regard to their revenue, their manufacture, and their agriculture? Do they find any equality in all this? Yet if the least step is taken towards doing them common justice in the slightest article for the most limited markets, a cry is raised, as if we were going to be ruined by partiality to Ireland.

Gentlemen, I know that the deficiency in these arguments is made up (not by you, but by others) by the usual resource on such occasions, the confidence in military force, and superior power. But that ground of confidence, which at no time was perfectly just, or the avowal of it tolerably decent, is at this time very unseasonable. Late experience has shewn, that it cannot be altogether relied upon; and many, if not all of our present difficulties, have arisen from putting our trust in what may very possibly fail; and if it should fail, leaves those who are hurt by such a reliance, without pity. Whereas honesty and justice, reason and equity, go a very great way in securing prosperity to those who use them; and in case of failure, secure the best retreat, and the most honourable consolations.

It is very unfortunate that we should consider those as rivals, whom we ought to regard as fellow-labourers in a common cause. Ireland has never made a single step in its progress towards prosperity, by which you have not had a share, and perhaps the greatest share in the benefit. That progress has been chiefly owing to her own natural advantages, and her own efforts, which after a long time, and by slow degrees, have prevailed in some measure over the mischievous systems which have been adopted. Far enough she is still from having arrived even at an ordinary state of perfection; and if our jealousies were to be converted into politics, as systematically as some would have them, the trade of Ireland would vanish out of the system of commerce. But believe me, if Ireland is beneficial to you, it is so not from the parts in which it is restrained, but from those in which it is left free, though not left unrivalled. The greater its freedom, the greater must be your advantage. If you should lose in one way, you will gain in twenty.

Whilst I remain under this unalterable and powerful conviction, you will not wonder at the decided part I take. It is my custom so to do, when I see my way clearly before me; and when I know, that I am not misled by any passion, or any personal interest; which in this case, I am very sure, I am not. I find that disagreeable things are circulated among my constituents; and I wish my sentiments, which form my justification, may be equally general with the circulation against me. I have the honour to be, with the greatest regard and esteem, Gentlemen, &c. E. B.

Westminster, May 2, 1778.

P. S. I send the Bills.

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dom of Ireland, be permitted to be exported directly from the said kingdom, in British ships navigated according to law, to be imported into any of the British plantations, or to any of the settlements belonging to Great Britain on the coast of Africa; wool and woollen manufactures only excepted."

Mr. *Pelham* professed himself a well-wisher to Ireland; and said, that no man had a greater respect for that kingdom than he had; he was not, however, without his doubts, that the present measure would be highly detrimental to the manufactures of this country; the taxes in Ireland being low, and labour cheap, the Irish would be able to undersell us, and thereby ruin several of our trading towns.

Lord *Beauchamp* begged leave to set the hon. gentleman right. The taxes in Ireland were many and high; and, proportionably to the means of paying them, considerably greater than in England. Some gentlemen who had travelled into Ireland, had, from the opulence of its metropolis, and the unbounded hospitality of the people of fashion, formed very unjust ideas of the real state of the kingdom: it was reduced by oppressive laws to a wretched situation; their loyalty was, however, superior to every selfish consideration; they saw nothing but our danger; and though our acts had banished into foreign countries numbers of their brethren, and left them in a miserable state, still they were willing to strain every nerve to serve us in the moment of distress: a braver, more generous, and more loyal people was not to be found. He flattered himself, therefore, that they would be treated by the House according to their high deserts.

Sir *Thomas Egerton* was of opinion, that this kingdom would suffer by its indulgence in this point; the manufactures of Lancashire, in particular, would be ruined; and that county alone would, as he was informed, lose 100,000*l.* per annum in the article of checks only, if the measure now proposed should pass into a law.

Mr. *T. Townshend* expressed his warm approbation of the motion. He was happy to see the mist of prejudice begin to disperse, and would be happy to give the measure a broader bottom: though as stedfast a Protestant as any gentleman in the House, he declared he should be glad to see some means adopted to grant such indulgencies to the Roman Catholics of Ireland, as might attach that great body of men to the present government; their affections had been alienated; he wished to recall them by indulgent behaviour. He hated the Romish religion for its persecuting spirit; but he would not on that account wish to be a persecutor.

Lord *North* declared he would with all his heart concur in any measure that could tend to answer so desirable an end; but it was not their province; it was the province of the parliament of Ireland: the laws which were so severe against the Roman Catholics had originated there, and redress of domestic grievances should of right originate likewise from them. He was of opinion, that the Irish parliament would see where the grievance lay, and redress it, for there was not any where a people of more liberal sentiments than the Irish. The penal laws of Ireland were the consequence of apprehension, which, however groundless, always adopted the most cruel and severe policy. The Irish complained, and complained with justice. Leaving to the candour of their own parliament to grant such indulgence to the Roman Catholics as their loyalty deserves: he requested the House would agree to that which was in their power, and properly in their province: to relax the trade laws would benefit the Irish, and ultimately enrich ourselves; embarked in the same cause with us, they could not be called our rivals in trade, but their rivals were our rivals. The exception of woollen cloths he would say nothing to: it might not, perhaps, be just; but it was a point given up by the Irish, and confirmed by an ancient compact; if it should be found in the course of the proceedings that any other exceptions were necessary, the House no doubt would make them. Upon the whole, the motion should meet his hearty concurrence.

The question was carried *nem. con.*

Earl *Nugent* then moved, "That all goods, wares, and merchandize, being the produce of any of the British plantations, or of any of the settlements belonging to Great Britain, on the coast of Africa, be permitted to be exported from thence into the said kingdom of Ireland, indico and tobacco only excepted." He next moved, "That the Acts prohibiting the exportation of glass be repealed: also, That the duties on the importation of cotton yarn manufactured in Ireland, be no longer paid."

Mr. *Burke* then moved, "That all sail cloth and cordage, of the manufacture of

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Ireland, be permitted to be imported from Ireland into Great Britain, free of duty." The above Resolutions were agreed to by the Committee.

April 8. Lord Midleton brought up the report of the Committee. The first and second Resolutions were ordered to be recommitted; the other three were agreed to by the House.

April 9. Lord Midleton reported from the Committee to whom the first and second Resolutions were recommitted, the Resolutions which the committee had directed him to report to the House; read, and are as followeth, viz.

"That all goods, wares, and merchandize, being the produce or manufacture of the kingdom of Ireland, or commodities of the growth, produce, or manufacture of Great Britain, legally imported into Ireland, or foreign certificate goods legally imported from Great Britain into Ireland, be permitted to be exported directly from the said kingdom, in British ships navigated according to law, to be imported into any of the British plantations, or to any of the settlements belonging to Great Britain on the coast of Africa, wool and woollen manufactures only excepted.

"That all goods, wares, and merchandize, being the produce of any of the British plantations, or any of the settlements belonging to Great Britain on the coast of Africa, be permitted to be exported from thence into the said kingdom of Ireland, tobacco only excepted."

Mr. *Burke* moved, that the first Resolution be recommitted. The House resolved itself immediately into a committee on the first Resolution. Mr. Burke's amendment was agreed to; and the House being resumed, lord Midleton reported the Resolution as follows:

"Resolved, That all goods, wares, and merchandize, being the produce or manufacture of the kingdom of Ireland, wool and woollen manufactures only excepted, or commodities of the growth, produce, or manufacture of Great Britain, legally imported into Ireland, or foreign certificate goods legally imported from Great Britain into Ireland, be permitted to be exported directly from the said kingdom in British ships navigated according to law, to be imported into any of the British plantations, or to any of the settlements belonging to Great Britain on the coast of Africa."

Sir *Cecil Wray*, on the second Resolution, begged the House to proceed on so interesting a matter with the utmost caution. He thought it very imprudent to proceed in it at this late season of the year, when the House was very thin, and the kingdom could not be enough advertised of their proceedings. If these propositions were introduced merely to try the pulse of the nation, and to lie over to the next session, he should be most agreeable to that procedure, because thereby every one would have leisure to consider, and the House would be full to discuss the matter.

Mr. *Connolly* said, though an Irishman, and much of his property lay in Ireland, it was not from mere local considerations that he lent his hand to the work: he was convinced that the advantages proposed by the Bills, for the Irish, would turn out in the end to the benefit of Great Britain. As a member of the British empire, he did not deem it a matter of sufficient weight to prevent the Bills from passing into a law, that a part of the kingdom might be a little injured, provided the general good of the whole was promoted by it.

Mr. *Jenkinson* said, there would be good time, by the intervention of the holidays, to give the nation leisure to consider and start their objections to it.

Lord *North* was of the same opinion; but hoped that no new propositions would be grafted upon it, but that it would pass in its present form.

Sir *Cecil Wray* then declared, that as the fiat of the noble lord had determined it to pass this session, he would take a decided part in the business, and steadily oppose it; and in this he hoped to be assisted by every independent member.

The Resolutions being agreed to, Bills were ordered to be brought in thereon.*

* "A strong opposition was forming against the Irish Bills, which were founded upon the Resolutions already stated. A general alarm was spread, through most of the trading and manufacturing parts of the kingdom. They considered the admittance of Ireland to any participation in trade, as not only destructive in the most ruinous degree of their property, but as being equally subversive of their rights. They were as little disposed to consent that the people of Ireland should cultivate their own manufactures, and dispose of their native commodities at the proper foreign markets, as they were to admit them to any limited degree of participation. In a word, a foreign invasion could scarcely have excited a greater alarm. It ran like an infection every where, and took such absolute possession of the mind, that the recent, and immediately sore-felt example of

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May 4. A Petition being presented from the manufacturers of Somersetshire against the Bill for permitting the importation of sail-cloth from Ireland,

Mr. *Burke* observed, that it was he who through mistake had moved for leave to bring in the Bill, though, upon enquiry, he had since discovered, that such a law was already in being. If the Bill would be productive of the consequences stated in the Petition, it was a little extraordinary the petitioners forgot to complain when they were hurt; and now felt so strongly, when there was not even a possibility of sustaining any injury. From this he inferred, that the jealousy entertained of the other Irish Bills was equally ill-founded, and only originated in gross prejudice, or the selfish views of a few interested individuals.

The Petition was ordered to lie on the table.

May 6. The order of the day for the second reading of the Bill "to permit the Importation of sail cloth and cordage of the manufacture of Ireland, into this kingdom, duty free," being read,

Sir *Cecil Wray* moved, that it be read a second time this day three months, which was agreed to.

On the motion for the second reading of the Bill "to permit the importation of certain goods from the British plantations in America, or the British settlements on the coast of Africa, into the kingdom of Ireland,

Sir *Cecil Wray* took a general review of the commercial state of Ireland, and expressed his hearty wishes, that the British parliament might render her every assistance in its power, without infringing on the trade of Great Britain. He said he had no objection to admit of Ireland's participating equally with us of the benefits of a free trade, provided she bore an equal share of our national burthens; but that was not the case, Ireland was computed to contain two million of souls, and they were taxed at one million; 10*s.* each upon an average; that Great Britain having six million of souls, and her taxes being twelve million, each inhabitant was taxed 40*s.* an astonishing difference, and such as could not justify the introduction of the Bills now depending. He well knew the grievances of the former country, and lamented them; among which were the Irish pension list, the sinecure offices, the Roman Catholic bills, the absentees, and various others; and assured the House he would gladly join in redressing them; but the present business was of too serious and complicated a nature to be hurried through at the latter end of a session; that, in his opinion, the trade of Ireland should be referred to a committee, who should minutely investigate it, and report it to the House, who might then take the whole into consideration, and endeavour to relieve them. As to a rebellion in Ireland, in consequence of a non-compliance with the present request, he had no idea of it; the people at large were not interested in the event; a few merchants of Cork, Dublin, &c. might; but the opulent were not the men for rebellion; they were the poor and indigent; if America had been rich, she would never have been in rebellion; the rich only are calculated for slaves. If these Bills passed, he would not answer but a rebellion might happen in England, because our manufacturers would be out of employ; and as a further consideration, a part of our sea nursery would be destroyed by the passing of these Bills.—On the whole, sir Cecil was of opinion, that the present measure was brought into the House at a very improper time, when the minds of men were taken up with matters of the most singular importance; and, besides, at the conclusion of the session. A matter of such magnitude, as overthrowing the whole system of

America,. with respect to any general application of causes to effects, was totally forgotten. The city of London preserved the dignity of so great and majestic an emporium, and continued uninfluenced by common opinion, and unmoved by popular clamour. The Easter recess afforded time and opportunity for public meetings, for the preparation of petitions, and of instructions to representatives, which were accordingly brought up in considerable numbers at the meeting of parliament. A curious circumstance occurred upon this occasion, which afforded a striking instance of the eagerness with which ill-founded popular apprehensions, may, in certain cases, be received and communicated. A motion had been made, and a Bill accordingly brought in, for the importation of sail-cloth from Ireland. This was however founded totally in error, and Mr. Burke, who brought it in afterwards, discovered that the liberty of importing Irish sail-cloth was already established, by a positive law of long standing. Yet this Bill was as violently opposed by petitions from different parts of the kingdom, and as strongly charged with the most ruinous consequences, as any of the other four Bills its companions, which were all founded upon new ground." Annual Register.

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our trade laws, was not of light consideration; and ought not to be hurried on in a sudden and indecent manner. Besides, the petitions on the table deserved particular attention; the petitioners were men of a description entitled to respect, and a patient hearing; and he would appeal to the candour of gentlemen on every side of the House, whether now, on the 6th of May, was a proper time to enter into so laborious and important an investigation? He professed the best disposition towards the whole Irish nation; said, he was ready to concur, at any time, in whatever might promote the true interest of that country; and if the amendment which he meant to propose should meet the sentiments of the House, he would move for a committee, before the House rose, to take into consideration, early in the next session, the restrictive laws on the trade of Ireland; and do all in his power to forward the interests of that country, where they did not immediately interfere with those of England. He concluded by moving, "That the Bill be read a second time upon this day three months."

Sir *Thomas Egerton* seconded the motion. He said the loss to Manchester, in checks only, if these Bills passed, would be 100,000*l.* annually; he begged the House would at least hear counsel for the different petitioning towns, before they passed them; and agreed in recommending the Irish trade to be referred to a committee, of which he would readily make one, and give it all the attention and assistance in his power.

Mr. *T. Townshend* said, the proposition of going into a committee, was little better than a direct negative. It held out no security, but a vague promise to move a committee, which committee would appoint another committee. On these grounds, he entirely disapproved of the Amendment.

Earl *Nugent* particularly adverted to the motives which had actuated the petitioners against the Bills, and in a peculiar manner he spoke to the conduct of the city of Glasgow, who had, with the most illiberal sentiments, prayed that neither the present, nor any future advantage should be granted to Ireland, that might, in the least degree, operate to the disadvantage of Britain. He could not, he said, bestow upon this conduct a term vile enough; it was mean, unmanly, ungenerous, despicable, and even diabolical.

Sir *Adam Ferguson* defended the city of Glasgow, against the charge of having entertained diabolical motives. He read the petition, and spoke highly in favour of the liberality and philanthropy of the Glasgow merchants, at the same time saying, they so far gave preference to their own, before any foreign country, that they could not see its interests violated, as they imagined, without exerting their endeavours to prevent it. If the Bills passed into a law, the city of Glasgow would in a particular manner, be affected. They had, in common with the rest of Scotland, embarked in the same bottom with England, and become liable to a proportion of the national debt, for the sake of enjoying an equality of commerce. On that foundation they had laid out immense sums of money in the cultivation of the sugar-trade; they had considered it as an hereditary right, depending on the security of the acts in their favour; and it was, in a great degree, their only property and wealth. A great part of their annual returns flowed from Ireland, and they would be most materially injured if that kingdom should participate the trade with them. He considered the present Bills as improper on another account. By their passing, they would stand in the way of an Union, which he considered as the only solid basis of equality that could be built upon. He therefore hoped the House would agree to the amendment.

Viscount *Midleton* said, he had heard that the people of Manchester and Liverpool had determined, nothwithstanding their late exertions, to be no longer loyal if these Bills should pass. He was sensible that these towns, as well as Glasgow, were experienced in rebellion so abundantly, that the transition would be an object of easy accomplishment, and the world would entertain little surprize if they threw aside their new-fangled opinion. He could not enough wonder, that the hon. gentleman should, of all men, plead the hereditary right of the city of Glasgow to the commerce of the English, on the principle of having taken upon themselves a proportion of the national debt. He thought a gentleman of that country ought to have been silent upon that head.

Lord *North* was of opinion, that as the expectations of the Irish were raised from what the House had already done, it would be unwise to protract the business to another session. The gentlemen who opposed the Bill seemed all to agree in one

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point, that something ought to be done for their relief, though they differed about the nature and extent of what ought to be done. He saw no reason, however, why the present Bill should not pass, since the House might, notwithstanding, appoint a committee to enquire into the state of the trade, that from their report a plan might be adopted. He did not see the mighty difficulty that was said to exist, in calculating the difference necessarily to arise in the annual imports, by the effect of the Bill before the House. It would create small difference, comparatively speaking, in the revenue, since the diminution in the imports of one place would give an addition to those of another, as the difference of duty on the enumerated articles was very trifling. He held it as the duty of Britain to give Ireland a degree, at least, of recompence for the exertions she had made, supposing we were not inclined, in policy, to give her relief from the restrictions she laboured under, and he hoped the House would agree to the present Bill, as a test of their intention and inclination to befriend her more substantially in future.

Mr. *Burke* * rose to answer the arguments of the hon. gentlemen who opposed the Bill. The Bills before the House, he said, were no more than restorations of what the wisdom of a British parliament had, on a former occasion, thought proper to invest Ireland with. In the 12th of Charles 2, the Navigation Bills passed, extending to Ireland as well as England. A kind of left-handed policy had, however, deprived her of the freedom she had enjoyed under that Act, and she had ever since remained under the most cruel, oppressive, and unnatural restriction. Deprived of every incentive to industry, and shut out from every passage to wealth, she had inwardly lamented, but she had never complained of her condition. She had gone the most forward lengths in serving the interests, and in defending the rights of Great Britain. She had assisted in conquests, from which she was to gain no advantage, and emptied her treasury, and desolated her land, to prove her attachment and loyalty to the government of this country. Such had been her conduct, and her reward had been restriction and bondage of the most cruel nature. He did not mean, he said, by describing her situation, to engage the humanity of the House in her favour: he knew very well they were but poor resources. The people of Ireland would not accept of favours flowing from the humanity of the House. They called for justice, not for pity. They requested Britain to be wise, not to be generous; to provide for her own good, and secure her own interest, sensible that wisdom and prudence would dictate, that to accomplish these, a contrary conduct towards them was necessary.

The hon. gentlemen who opposed the Bill, had drawn into collection the arguments and reasons they maintained to exist against all the Bills, meaning, no doubt, thereby to prejudice the House the more by their aggregate effect. Though he detested this inequitable mode of proceeding, he would not evade the combat even on that ground, nor wish to engage the House in favour of the Bills, if he could not, in the fullest manner, answer every objection they had brought to every part. The hon. gentleman who had moved the amendment, wished to reconcile the people of Ireland to delay, by pledging the honour of parliament, that something effectual should be done in their favour next session. He knew the temper of the Irish too well, to believe that they would sit down satisfied with such an assertion. They would conclude within themselves, depending on experience for their guide, that the promise of something to be done next session, would alone produce the repetition of a promise for the session following; and promise, repetition, and promise, from session to session, would be the only benefit they would receive. He did not conclude, that the denial of what even justice demanded of us in their favour, would produce rebellion and disturbance in that country; their loyalty and zeal was superior to complaint; they might despair, but they would not resist. Other places, experienced in rebellion, had determined, it seems, to enter or not to enter into it, according as these Bills were determined; but Ireland regarded more the welfare of the empire at large than the interest of itself in particular. They were patient and loyal, and therefore, he supposed, they

* "Mr. Burke was the great and powerful supporter of the Bills in point of debate. His situation was rather singular, and undoubtedly embarrassing. For he received his seat in parliament, without expence, from the free votes and predilection of the citizens of Bristol in his favour, and his constituents now thought their interests materially affected by the Bills in question." Annual Register.

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were crushed; for it was the policy of the present day to forego the excellent and noble maxim of the Romans, "*parcere subjectis et debellare superbos,*" for the infamous proverb of British growth, "Proud to the humble, and humble to the proud."

He then went into a particular detail of the arguments of the hon. gentlemen relating to commercial advantage. The annual revenue of the two kingdoms, he said, had been exultingly, but most inequitably, drawn into comparison, to prove that Ireland paid no proportion of tax. It was not the number of inhabitants that constituted the specific difference in the article of taxation between two countries; but the distinction of internal opulence and external advantage. Compare the two countries by that line, and it will be found that Ireland is taxed in a quadruple proportion more than England. The internal wealth, and the external advantage of trade and commerce are forty times greater in England than in Ireland. There is, therefore, no ratio of proportion in the mode of taxing the latter. She is taxed without enjoying the means of payment. There are several excises which England is subject to, and which she is not. Suppose them laid: they must be laid for the sake of oppression, not production; and for the benefit of the officers, not of the revenue. Leather is taxed in England—but what would be the product of such a tax, where such innumerable multitudes of the people never wear shoes? You tax candles in England. But there are two hundred thousand houses in Ireland, in which probably a candle, such as you tax, was never lighted. The taxes must follow wealth, and not precede it. If any attempt against this rule is made, there will neither be wealth nor taxes. This, he said, was the order of nature; which must be followed. And as to the judgment of the proportion, it must be left to themselves, or they are not free; and surely the fault of the parliament of Ireland has never been illiberality in its grants. Restricted from trading, she enjoys no opportunity of acquiring wealth to defray and discharge the taxes imposed upon her. Enlarge her means of payment, and, in proportion to her ability, she will enlarge her taxes. An equality of commercial advantage could not be established between the two countries. The opulence of the one is a great obstacle to the other. The great disproportion of capital effectually destroys the possibility of an equality. And as the ability of proceeding will increase in the same proportion, in the progress of the one and of the other, the same proportion of advantage will still remain. The Irish will be able to follow the English at an equal distance in every stage, both in the outset and in the continuance; but they will never be able to accelerate their motion so as to overtake them.

He said, the supposed operation of the cheapness of labour with respect to manufactures was totally unfounded, and the arguments founded thereon nugatory; and that until the instant that the price of labour was equal in both countries, the superiority of manufacture would remain with the English. That the price of labour rises with the growth of manufacture, and is highest when the manufacture is best. And that the experience of every day tells us, that where the price of labour is highest, the manufacturer is able to sell his commodity at the lowest price. He observed, that the difference of duty on some of the enumerated imported articles, was so abundantly overbalanced by the other advantages enjoyed by this country, that without it, there could not be the smallest degree of competition in manufacture on the side of Ireland; nor could that in any degree hurt England. They had, he said, a strange opinion of the extent of the world, who believed that there was not room enough in it for the trade of two such islands as these.

He observed, that most, if not all of the petitions on the table, tended to express the utmost fears of the consequences that would arise from granting a free exportation of sail-cloth and iron to the Irish. At the same time the real matter of fact is, that the Irish have long possessed, without being able to turn it to any advantage worth mention, the free exportation of manufactured iron and steel, as well as of sail-cloth. From hence it is evident, that the petitioners have not felt from the reality what they dreaded in the idea; and it is fairly to be inferred, that the other matters of apprehension contained in the petitions are as groundless as these; and are only founded, like them, upon mere conjecture. It also appears evidently, that the advantages possessed by the English are so far superior in these respects, that the Irish were not able to prosecute these manufactures to any purpose, nor consequently to turn their liberty of exportation to account. And this, he said, was so truly the

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fact, that every species of iron manufacture, in particular, was actually exported in incredible quantities to Ireland.

He shewed from other instances, as well as the present, how hastily and erroneously manufacturers are liable to form their opinions upon subjects of this nature; and upon what slight grounds alarms are raised, and apprehensions propagated amongst them. Particularly, when, some years ago, a Bill was brought in for the free importation of woollen yarn from Ireland, an universal alarm was excited, and petitions were sent in from every quarter, stating and complaining of the ruinous consequences which it would produce; the Bill, however, passed into a law, and now, upon a full experience of its effects, they both feel and acknowledge its beneficial tendency. But it was absurd, he said, to think that a participation of manufacture would be detrimental to this country. Had we not seen the woollen manufactory planted in different parts of this country; and had we not also seen that it throve by the competition?

He concluded with lamenting that it could happen in any one instance, that his conscience should direct him to take a part contrary to the opinion of his constituents. It had been his invariable aim to protect their rights and interests, and to act at all times as became the senator and representative of the people. In this instance he had dared to act contrary to the wishes, though, he was sensible, not to the interests, of his constituents. And if, from his conduct in this business, he should be deprived of his seat in that House, as he apprehended he might, his conduct being disapproved by many of his chief friends and supporters, as well as by all who had opposed him at his election, he had the satisfaction of being perfectly assured, that he should suffer in the very cause of those who had inflicted the punishment. He should not blame them if they did reject him; the event would afford a very useful example; on the one hand, of a senator inflexibly adhering to his opinion against interest, and against popularity; and, on the other, of constituents exercising their undoubted right of rejection; not on corrupt motives, but from their persuasion, that he whom they had chosen had acted against the judgment and interest of those he represented.

The question being put, That the Bill be now read a second time, the House divided:

Tellers.

Yeas	Lord Clive Mr. Robinson	126
Noes	Sir Cecil Wray Sir Thomas Egerton	77

Sir Cecil Wray's Amendment was consequently lost; and the Bill was read a second time. After which, Counsel were heard on behalf of the Petitions against the Bills. They were again heard on the 13th.

May 19. The House went into a Committee on the Irish Importation Bill.

Mr. *Gascoyne*, when the enumerated articles came to be necessarily mentioned, in order to fill up the blanks, moved, That woollens, woollen cloths, whole or mixed cotton, and cotton goods, whole or mixed painted and printed linens, gunpowder, and several other articles of inferior consequence, be exempted.—He next moved, That whatever goods or merchandize, &c. which should be permitted to be exported under this Act, should have duties laid upon any of them, or the ingredients which composed them, equal to those already subsisting in Great Britain, and likewise of any of the said export duties. This clause being agreed to, sir W. Bagot proposed a clause, that no iron, manufactured, should be permitted to be exported under this Act, till a duty of 2*l.* 10*s.* per ton be laid upon all foreign iron imported into Ireland. These clauses being agreed to, sir T. Egerton moved, That the liberty given by this Act to export checks from Ireland, do not take place till the parliament of Ireland shall take off the duty of one halfpenny per pound on all linen yarn exported from that kingdom.

The question being put, the committee divided; Ayes 33, Noes 79.

May 25. The House resumed the adjourned debate upon the motion made on the 15th instant, "That the Bill to permit the importation of certain goods from the British plantations in America, or the British settlements on the coast of Africa, into the kingdom of Ireland, be committed."

Sir George Yonge moved, "That the debate be further adjourned till this day two months."

Lord *Newhaven* said, he was anxious to embrace the first moment to convince the House, that his dividing the House about a week ago on this question did not pro-

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ceed from a desire to give trouble, but to comply with the conviction of his own mind; thinking it much better to determine the fate of the Bill there than to feed the hopes of the people of Ireland for ten days longer, and then reject it; which could only aggravate the disappointment, if it did not pass into a law. That, if it did not pass, he must lament that it ever came into the House; for, as it had not the most favourable reception, the expectations of the people of Ireland were raised to the highest pitch, and would now be plunged into the deepest despair. That, while nothing was done, they still had hope to cherish them, that some time or other something might be done; but if this Bill was rejected, the curtain of despair must be drawn on their hopes for ever. That the evidence at the bar and the counsel who pleaded for them urged, that if this Bill passed it would take something from England; though in the same breath they tell you that something ought to be done for Ireland: but that that something must not be any thing taken from England. Arguments too absurd, futile, and ridiculous to be seriously refuted. He said, he had read all the petitions upon the table against this and the other Bills, in which were enumerated various articles in which the petitioners thought they would be injured; but at the same time they sum up the whole of their apprehensions and terrors in this one sweeping objection; that from the cheapness of labour the Irish would undersell them at all foreign markets. He urged, if this argument was admitted, and that Ireland was never to receive any benefit till Great Britain could work as cheap as her, it must strike every man that Ireland can never receive any indulgence from England; and without advantage in trade Ireland must ever remain in its present state of indigence, and labour be for ever cheaper than in England. All which shewed clearly that the postponing the Bill could gain it no advocates; for the argument of the petitioners against it would be the same next year as this, and so on for ever, while the poverty of Ireland and the jealousy of England existed. That if this Bill was rejected, it was at once telling the people of Ireland, You have soil, you have climate, you have millions of inhabitants that you could turn to lawful industry, you are blessed with harbours where your fleets of commerce may ride in safety, and your isle, by the hand of Providence, is better situated for the commerce of the western world; but all this shall avail you nothing; America shall be exempt from taxation, they shall be the arbitrary despots of their own soil; but Ireland must continue for ever to smart under the proscribing hand of Great Britain.

The House divided, on sir G. Yonge's motion: the Yeas went forth.

Tellers for the Yeas, sir G. Yonge, sir P. J. Clerke:

Lord Newhaven was appointed one of the Tellers for the Noes; but no other member remaining in the House to be a second Teller for the Noes, the Yeas returned into the House; and Mr. Speaker declared the Yeas had it. So the question was resolved in the affirmative.

June 2. Earl *Nugent* declared it to be his intention, early in the next session, to move for the Irish Importation Bill; and for this plain reason, because the Export Bill, without it, would avail them nothing. Ireland could not afford to give long credit, which, however, she must be necessitated to do, unless in her commerce with our plantations she was permitted to barter for, and import their commodities: contending at the same time, that their present national necessities demanded this indulgence of the English parliament.

Sir *George Yonge* said, he should oppose the Bill, because the present necessities of Ireland were created by her voting sums of money to government which they were unable to pay.

Lord *Newhaven* said, he should move early in the next session for the Import Bill to be brought in, not even excepting sugars, though he found the noble lord was inclined to give it up.

Mr. *Gilbert* said, he should propose an enquiry into the trade of both countries, before he voted for any more commercial Bills at all.*

* "In consequence of some compromise between the supporters and opposers of the Irish Bills, although the former shewed a great superiority of strength, it was notwithstanding thought necessary to give up, for the present, most of the advantages that were originally intended for that country. Some enlargement, however, was given to the linen trade, particularly in the article of checks; and some openings given in the African and West India trades which did not before exist. Thus the measure, at its final transit through parliament, might be rather considered as an opening to future service, and an earnest of good

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Debate on Sir George Savile's Motion for the Repeal of the Quebec Government Bill.] April 14. Sir *George Savile* made his promised motion for the repeal of the Act of the 14th of his present Majesty, intituled, "An Act for making more effectual provision for the government of the province of Quebec." Among a variety of arguments adduced in support of this motion, he urged that the Bill for regulating the government of Canada had from the beginning been considered, by the other provinces in America, as inimical to their liberties, both from the discordant seeds of religion and government, which it was to sow between them and the inhabitants of Canada, and from its evident object in extending the limits of that province beyond its former bounds. The jealousies raised by this Act had produced a petition against it two years ago from the other provinces, which unhappily for this country ministry had too rashly rejected. The revolted provinces had considered this measure of government as the first link of those chains which were intended to bind them in the most ignominious slavery, therefore it was absolute folly to think of their listening to any terms of accommodation till that link was broken. Whilst that Bill was unrepealed, it was impossible we should ever persuade them that we were earnestly disposed to leave them in the undisturbed enjoyment of liberty. He strengthened his deduction by quoting the opinion delivered a few days ago in that house by governor Johnstone, one of the commissioners now going out to America. That gentleman, even after his appointment, had declared that the Quebec Act ought to be repealed. It was one of the most necessary concessions to be made by this country. Besides the consideration of our other provinces, he insisted that the Act was never a popular one, even among the Canadians themselves: it had indeed given pleasure to the little noblesse who derived a few superior privileges from it; but he had been assured, that it was far from being agreeable to the generality of the people. After he had stated the various disadvantages produced by this Bill; the effect it had in promoting the revolt in America, and the impediments which it would now of necessity throw in the way of accommodation between the provinces and the mother country, he anticipated the grand objection which he apprehended would be urged against the immediate expediency of its repeal. It would probably be said, that no form of government had yet been planned for us to establish in its stead; and that it would be most irrational to put an end even to a bad government before there was a good one ready to replace it. But this evil would be avoided, and yet every other purpose fully answered, if the effects of the repealing Bill were not to take place till after the next session. The Americans would be instantly satisfied that the injurious measure would be done away as soon as possible, and before the Act should take place, a mode of constitutional government could be laid down for them, and ready to be carried into execution, so that no interval of anarchy was in any respect to be apprehended. He concluded by a warm exhortation to the House not to treat this motion with the same indifference that they had so long persevered in shewing to every advice that came from that side of the House; for that the fate of it would bear a very near relation to the fate of our proposed treaty of accommodation.

Mr. *Jolliffe* objected to the propriety of repealing an Act, whose operation was so extensive, without any petition or evidence offered against it, without any complaints from the inhabitants of the province, without any kind of proof that it was injurious in its effects, or disagreeable in any degree to that people for whom it was framed: in short, that he had not heard a single argument to induce his assent to the motion; and he thought that as people without doors were so ready to find fault with their representatives, it should be their study within doors not to give an opportunity for its being said, "you make laws ignorantly in one session, which you repeal in another."

Mr. *Fielde* wondered it could be asserted that no argument had been adduced to warrant the repeal of the Bill, or that no complaint had been made against it. He asked the hon. member, if the opinion of governor Johnstone, one of the commissioners going out to treat with America, was no argument? Did not the petition presented two years ago contain complaints? And had not the hon. gentleman who made the motion given reasons suffi-

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intention, than as affording any immediate benefit, or even as holding out any future advantage, of any great importance to Ireland." Annual Register.

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cient to evince the good policy of the repeal he moved for? The Americans, he said, were alarmed at the first passing of the Bill. They looked on it as a sample of that despotic mode in which they should be hereafter governed themselves; and if this Act was one of their first incentives to revolt, was it to be presumed in the present state of affairs that they would not insist on a repeal of it? or that our refusing to do it now would not confirm instead of allaying their alarms?

Sir *George Howard* was against the motion, as he had been assured, from the best authority, that in the present disposition of the Canadians it would be highly dangerous. Such was the opinion of sir Guy Carleton, a man for whose understanding and abilities he had the greatest respect, and who from a long experience of the habits and temper of that people should be supposed well acquainted with the subject. The Americans, he said, had invaded Canada at the beginning of the contest. They tried force and persuasion in vain to gain them over to their interest; would it now be prudent or generous in us to sacrifice the inclinations of that province to the wishes of the others? It was allowed that the noblesse, at least, approved of the present mode of government, though the rest of the people disliked it; was this then a crisis to hazard experiments? In a word, so far was he from agreeing in the expediency of the motion, that he apprehended there were but two things likely to cause the loss of that province to this country; the one was, the repeal of this Act; the other the recall of sir Guy Carleton from the government of Quebec. As to the circumstance of recalling that general, he had no kind of certainty whether it was determined on or not; but if it was, he should fear much for the consequence.

Mr. *T. Townshend* avowed the greatest respect for the merits of sir Guy Carleton, as well as for the last speaker, though he was not so happy as to agree with them in that instance. He also saw the danger to which our possession of Canada was exposed by the recall of that general; but he was surprised to hear that his recall was yet a matter of doubt with any person. Was not general Haldimand appointed in his stead? And had he not delayed a few days too long on a visit to his friends in Switzerland, would he not this day have been in his government of that province, whilst sir Guy would probably have been then at the bar of the House, giving his opinion upon the measure in agitation? He was as sensible as any man to the military merit of that great man; he admired his virtues, and felt the strongest indignation at the ungrateful treatment he had received at the hands of administration; but, notwithstanding those sentiments, he could not help considering him as a prejudiced judge on this occasion, as the Bill which was now to be repealed was framed by the advice of that gentleman; it was a favourite Bill of his, and his former inclination for the principle of it might bias his present opinion of its operation. Besides, though he allowed much to the judgment and experience of that governor, yet he had a strong instance of his being deceived in his ideas of the Canadians, which he begged leave to recall to the memory of the House. He had been examined at the bar about four years ago,* when the Bill was about to pass that House; and he then declared that he had very little reliance on the English settlers there, but he had great confidence on those who were stiled the Croix de St. Louis, and improperly the noblesse of that country. Yet on the invasion of that province by the Anglo-Americans, those English, of whom he was so diffident, were the only persons who saved Quebec from falling into the hands of Montgomery. It had been urged that there was no petition against the Bill; but had there not been a petition against it two years ago, when the repeal of it was moved for by the same hon. member? There was indeed no petition now before them, for the ill-treated Americans were no longer our petitioners. Those who wanted argument in favour of the motion, he referred to the opinion of a man whom ministers themselves shewed their reverence for, by appointing him their commissioner, though he had always opposed their measures, and denied their abilities to govern: it was a disgrace, to be sure, to enact laws ignorantly, as the hon. member had said, but it was the more honourable to repeal them.

The House divided:

Tellers.

Yeas	Mr. Thomas Townshend Mr. Fielde	54
Noes	Sir George Howard Mr. Robinson	96

So it passed in the negative.

* See Vol. 17, p. 1367.

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Debate in the Commons on the King's Message for a Vote of Credit.] May 5. Lord North presented the following Message from his Majesty:

"GEORGE *R.*

"His Majesty, relying on the experienced zeal and affection of his faithful Commons, and considering that, in this critical juncture, emergencies may arise, which may be of the utmost importance, and be attended with the most dangerous consequences, if proper means should not be immediately applied to prevent or defeat them, is desirous, that this House will enable him to defray any extraordinary expences incurred, or to be incurred, on account of military services, for the service of the year 1778, and to take all such measures as the exigency of affairs may require."

Lord *North* moved, That the Message be referred to the Committee of Supply.

Sir *George Yonge* considered it very improper, in the present crisis of affairs, to vote indefinite sums of money to an administration so incapable of expending the public revenue with œconomy and effect. He thought the emergencies ought to be ascertained to the House, the sums specified, and authentic documents laid upon the table.

Mr. *Turner* was of the same opinion: the House ought to sit and vote the money gradually, as the wants and occasions arose.

Mr. *Townshend* said, it was no secret, that the Toulon squadron, consisting of 12 ships of the line, and several others of inferior force, had sailed from that port on the 13th of April, in order, as was supposed, to strike some decisive blow in the western world. Yet what had been the conduct of administration? To keep our fleet idle at home, or for no other purpose but to be exhibited as a public spectacle, to gratify the curiosity of those who were inclined to waste their time and money. He then pointed out the very defenceless state of our several dependencies in North America and the West Indies; and said, he trembled for their fate. As soon as ministers had notice of the forwardness of this armament, they ought to have dispatched a sufficient force to watch their motions, and have taken such a certain station as would have put it out of the power of D'Estaing to elude us. What was the case now? The fleet was sailed; but whither, no man could tell; whether to Halifax, the Delaware, Quebec, to attack our West India islands, or to make a conquest of the East Indies. He asked, whither is the spirit of England fled? Where is the wisdom that used to pervade her councils? Where are the terrors gone with which she was wont to fill the bosoms of those who dared to insult her? Britain, he feared, was betrayed; treachery and corruption vied with each other to see which should first effect her downfall and disgrace. He was remarkably severe upon those who, he said, affected to fill the rank of ministers, and directly charged them with ignorance, laziness, incapacity, and treachery; and lamented, that while our pageant shews and streamers were wantoning in the wind at Spithead, our glory was tarnishing; our coasts were insulted; and the British flag for ever disgraced.

Lord *North* hoped, that when the hon. gentleman knew the preparations that had been made, and the care taken to protect this country from invasion, he would not so hastily condemn the ministry as treacherous and incapable. The utmost exertions had been made; and though no fleet had yet sailed to oppose the Toulon squadron, that could not be properly laid to the charge of ministerial incapacity, since the French had it at all times in their power, by their mode of supply from their register, to man out a fleet sooner than we had.

Mr. *Adam* congratulated the nation on the recovery, in some degree, of that worthy spirit which had on so many occasions signalized the nation. The example in the hon. gentleman (Mr. Townshend) shone so bright, that he hoped it would be followed.

Mr. *Pulteney* begged the House to remember that the advice of the sailing of the Toulon fleet, came to the administration on Monday the 27th ult. and no privy council was summoned until the Wednesday following. The wind was fair for sailing even till Saturday last, and the opportunity was neglected.

The motion was agreed to.

May 6. The House went into a Committee of Supply; in which a Vote of Credit to his Majesty of one million was moved.

Mr. *T. Townshend* drew a picture of our national defence, having, as he said, a militia without arms, who were gone to be encamped without tent equipage; and a navy, either not manned, or not victualled, but lying embayed at Spithead for the mere parade of a naval review, while the Toulon

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fleet had sailed on its expedition, which might prove fatal to the distant settlements of the British empire. He enquired whether we were actually at war or at peace with Spain, that she dared to insult our flag in her ports, and our commanders were so degradingly treated by her, whilst every attention was paid to the ships of our revolted provinces, and their captains saluted with naval honours by the admiral at Cadiz? Was it the mere incapacity of administration which tempted Spain to treat us with such reproach? If it was; that incapacity was as injurious to the nation as the blackest treachery. He asked if it was possible for ministers to be awake, and yet suffer the Toulon fleet to sail, without taking a single step to oppose them? Could they call themselves ministers and guardians of the nation's weal, and yet confess that they had procured no intelligence till Monday sen'night, of the departure of that fleet on the 13th of April? Was it from want of power to oppose them, or from the same inauspicious fatality which had banished every honest man from the councils of his Majesty? Was our navy a mere pageant fleet, or was it equal to actual service? Was it victualled and manned, or was it yet to be equipped? Did the registry of seamen in France give her an advantage over us in the speedy equipment of her navy? Was this never known till that day? Were we so ignorant of this advantage, that no exertions should be made to guard against it? Where was now the boasted respectability of our navy? Were we to trace it in the pillages suffered on our coasts, or the alarms and terror into which so many parts of the kingdom had been lately thrown, by invading insolence? But the plundering a nobleman's house, the ravaging a few estates, or burning an odd town, were not perhaps objects to challenge the vigour of our fleets! The spirit of the militia was certainly great. The ardour of the first men in the kingdom, and the generous alacrity of persons of every condition to enter into that constitutional body, left us little apprehension for our internal defence; but in this, as in every other instance of the conduct of government, there were many evident neglects. The delay in calling them out, and the want of tents and arms, left them even yet unequal to the duties of essential service. He appealed to the House on the validity of the charge of government against gentlemen on his side of the House—"that they had suddenly rushed from backwardness to precipitation, from despondency to confidence, from checking the ardour of administration to a crimination of their inactivity." But had not the change of public affairs reconciled the consistency of these two lines of conduct? The first was between us and America, the latter between us and France. That related to an offensive war against our brethren; this to a defensive one against our natural enemy. Upon the whole, he would not oppose a grant which was for such necessary purposes, but he apprehended it would be of little use, if the administration of affairs remained in the hands of men so flagrantly ignorant, and so scandalously negligent as the present servants of the crown.

Mr. *Penton* assured the House, that we had a fleet ably equipped, and ready to sail when commanded. He denied that the Spanish admiral had returned the salute of the rebel privateer, and said he had his information of the affair from no less an authority than captain Rowley himself. He vindicated the ministry respecting the Whitehaven affair. Such attacks had been made in the most active administrations, of which the descent of M. Thurot upon Carrickfergus in the north of Ireland, during the last war, was a recent instance. Every thing that could be done on that occasion, had been instantly put in execution. Four ships of force were dispatched in different courses, in search of the privateer, and would, he hoped, be soon able to give some account of her. On being asked by sir G. Yonge, if the fleet at Spithead had received any orders for sailing, he declined giving an answer to that question, unless called upon by the House.

Mr. *Fox* asked the House, if any man in his senses would give a vote of credit to an administration, who were always the last to learn what they should be the first to know? An administration who could be so insensible of the sudden emergencies of such times as these, that, when official advice came of an event almost universally understood for several days before, not more than one of them could be found in town; their amusements had engrossed their attention; nor could a sufficient number be procured for holding a council till the hour of debate was lost? Who, then, could support such ministers? Who could be extravagant enough to trust them with the expenditure of a single shilling?

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Lord *George Germain* acknowledged that appearances were against the ministry; but appearances were not to justify a condemnation; a full enquiry into the circumstances might place their case in a different light. For his part, he was ready to meet every scrutiny, and wished punishment to fall where it was deserved. When the dispatches arrived he took the speediest means to convene the ministers from the country, where some of them were. From the time of their arrival the greatest expedition had been used by him, in sending the orders of council to the proper officers at Spithead; but misfortunes were not always to be avoided. He hoped, he heartily wished, our affairs might take a happier turn; and concluded by urging, that it would have been imprudent to have dispatched after count D'Estaing a fleet intended for our home defence before we knew the destination of his fleet.

Mr. *Fox* then begged the attention of the House to a resolution which he had lately moved in the Committee on the State of the Nation, "That the navy in its present state is inadequate to the defence of the empire." Ministers then opposed it by assertions and votes, but they now confirmed it in argument and action; for the noble lord admitted that a fleet should have been ordered out for our external protection if our internal defence could have permitted it. He asserted, that a fleet might have been spared from the immediate protection of our coasts, as he was confident our militia and army would be fully sufficient to repel any foreign invader: there were ample resources in the present spirit of the nation to mock every menace of invasion. With such a dependence, how was it possible to estimate the guilt of ministers who could tamely suffer an hostile squadron to carry unmolested destruction to the British army in America? The disgrace of a Burgoyne was, it seemed, to be atoned by the defeat of a Howe, and the want of information, respecting the Franco-American treaty, was compensated in the ignorance of D'Estaing's sailing and destination. Was there any thing more wanted to seal the fatal character of the present inauspicious ministry? Or could they any longer hope to be trusted with the treasures of a nation they had so shamefully betrayed, and of whose situation the noble lord himself seemed to entertain such little confidence? He wished to know whether a fleet had even yet been ordered to sail after the French squadron, and, if not too late, to prevent the destruction of our navy and army in America.

Lord *George Germain* complained that his words were not fairly interpreted: he wished, indeed, that the orders of council could have been sooner dispatched to Spithead, but he had not expressed a single idea of despondency. The navy was now in a formidable state, and was every day increasing in strength and numbers, sufficient to warrant the fairest hopes. If ministers had been disposed to trust the defence of this kingdom to the militia, much as the fleet might be wanted at home, a number of ships might have been sent abroad. The painful pre-eminence of office at such a time was little to be envied; for his part, if any gentleman of talents and inclination to serve his country wished to come into his place, he was ready to resign it.

Mr. *Burke* said, it was idle to pretend that the destination of the Toulon fleet had been so long a secret, or that it was criminal if true. American pilots had been long engaged to conduct it. We had lost the advantage of the wind, which blew to the west during the month of April, and that by the crime of ministers; were we therefore to give our purse strings to their will, and retire in confidence to cultivate our gardens, smooth our lawns, and assume the little offices of rustic magistracy? Could we trust the sole guidance of the ship of the state to pilots, whom we have so lately detected in the basest torpor, whilst the danger threatened—who had left her to the mercy of the waves, quitting the decks in the moment that called for all their skill and activity—who were not to be found when the squall came on. Alas! the rudder was lashed, and Palinurus gone to sleep! He concluded by lamenting that his country should be reduced to the poor dependence of hopes and prayers, the arms of old women; and that a British minister, instead of acting the statesman, and timely exerting the strength of the nation, should dwindle into a priest, and piously offer up his prayers for the salvation of his country.

Sir *Edward Astley* would not give his assent to the vote of credit. He asked whether government were sure of the allegiance of Canada? and whether they had not received accounts that they were preparing to revolt; had desired to be admitted into the league with the thirteen united colonies, and had solicited the mar-

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quis de la Fayette to assist them in their requisition?

Governor *Pownall* entered into the instructions given to the commissioners gone over to America. He said, the Americans would never admit of the controul of parliament; that their assent thereto would only be an act of political delusion; and therefore, if it was not too late, he recommended that the commissioners might be instructed to acknowledge their independence; and to restore peace, the only desirable object with Great Britain, to enter into treaties with them, commercial, offensive, and defensive.

Mr. *Turner* observed, that the hon. gentleman who spoke last had not said one word to the question; he should content himself with three, and those should be to the point; he would not vote a shilling of his constituents' money, in support of the measures at present adopted.

The motion was agreed to.

Debate in the Commons on Sir George Savile's Bill for the Relief of the Roman Catholics.] May 14. Sir *George Savile* moved for leave to bring in a Bill for relieving his Majesty's Roman Catholic subjects, from certain penalties and disabilities imposed on them by the Act of the 11th and 12th of William 3, intituled, 'An Act for the further preventing the 'growth of Popery.' He stated, that one of his principal views in proposing this repeal was, to vindicate the honour, and to assert the principles of the Protestant religion, to which all persecution was, or ought to be, wholly adverse. That this pure religion ought not to have had an existence, if persecution had been lawful; and it ill became us to practise that with which we reproached others. That he did not meddle with the vast body of that penal code; but selected that Act, on which he found most of the prosecutions had been formed, and which gave the greatest scope to the base views of interested relations, and of informers for reward. The Act had not indeed been regularly put in execution, but sometimes it had; and he understood that several lived under great terror, and some under actual contribution, in consequence of the powers given by it. As an inducement to the repeal of those penalties, which were directed with such a violence of severity against Papists, he stated the peaceable and loyal behaviour of that part of the people under a government, which, though not rigorous in enforcing, yet suffered such intolerable penalties and disqualifications to stand against them on the statutes. A late loyal and excellent Address,* which they had

* On the 1st of May, 1778, the following Address of the Roman Catholic Peers and Commoners of Great Britain, was presented to his Majesty by the earl of Surry, and the right hon. the lords Linton and Petre, and was most graciously received.

"To the King's most excellent Majesty.

"The humble Address of the Roman Catholic Peers and Commoners of Great Britain.

"Most gracious Sovereign;

"We, your Majesty's dutiful and loyal subjects, the Roman Catholic peers and commoners of your kingdom of Great Britain, most humbly hope, that it cannot be offensive to the clemency of your Majesty's nature, or to the maxims of your just and wise government, that any part of your subjects should approach your royal presence to assure your Majesty of the respectful affection which they bear to your person, and their true attachment to the civil constitution of their country; which having been perpetuated through all changes of religious opinions and establishments, has been at length perfected by that revolution which has placed your Majesty's illustrious house on the throne of these kingdoms, and inseparably united your title to the crown, with the laws and liberties of your people.

"Our exclusion from many of the benefits of that constitution, has not diminished our reverence to it. We behold, with satisfaction, the felicity of our fellow-subjects, and we partake of the general prosperity which results from an institution so full of wisdom. We have patiently submitted to such restrictions and discouragements as the legislature thought expedient. We have thankfully received such relaxations of the rigour of the laws, as the mildness of an enlightened age, and the benignity of your Majesty's government, have gradually produced: and we submissively wait, without presuming to suggest either time or measure, for such other indulgence as those happy causes cannot fail, in their own season, to effect.

"We beg leave to assure your Majesty, that our dissent from the legal establishment, in matters of religion, is purely conscientious; that we hold no opinions adverse to your Majesty's government, or repugnant to the duties of good citizens. And, we trust, that this has been shewn more decisively by our irreproachable conduct for many years past, under circumstances of public discountenance and displeasure, than it can be manifested by any declaration whatever.

"In a time of public danger, when your Majesty's subjects can have but one interest,

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presented to the throne, stood high among the instances which sir George pointed out, of the safety, and the good consequences, which were likely to attend this liberal procedure of parliament. He observed, that in that Address they not only expressed their obedience to the government under which they lived, but their attachment to the constitution upon which the civil rights of this country have been established by the Revolution, and which placed the present family upon the throne of these kingdoms. As a further guard and security, however, against any possible consequence of the measure, he proposed that a sufficient test might be formed, by which they should bind themselves to the support of the civil government by law established.

Mr. *Dunning* seconded the motion, and went into a legal discussion of the principle, objects, and past operation, of the Bill which was intended to be repealed. The following he stated as the great and grievous penalties.—The punishment of Popish priests or Jesuits, who should be found to teach or officiate in the services of that church; which acts were felony in foreigners, and high treason in the natives of this kingdom.—The forfeitures of Popish heirs, who had received their education abroad, and whose estates went to the next Protestant heir.—The power given to the son or other nearest relation, being a Protestant, to take possession of the father, or other relation's estate, during the life of the real proprietor.—And, the depriving of Papists from the power of acquiring any legal property by purchase; a word which, in its legal meaning, carried a much greater latitude than was understood (and that perhaps happily) in its ordinary acceptation; for it applied to all legal property acquired by any other means than that of descent.—These, he said, were the objects of the proposed repeal. Some of them had now ceased to be necessary, and others were at all times a disgrace to humanity. The imprisonment of a Popish priest for life, only for officiating in the services of his religion, was horrible in its nature; and must, to an Englishman, be ever held as infinitely worse than death. Such a law, in times of so great liberality as the present, and when so little was so be apprehended from these people, called loudly for repeal; and he begged to remind the House, that even then they would not be left at liberty to exercise their functions; but would still, under the restriction of former laws, be liable to a year's imprisonment, and to the punishment of a heavy fine.—The mildness of government had hitherto softened the rigour of the law in the practice, but it was to be considered that the Roman Catholic priests were still left at the mercy of the lowest and basest of mankind; for on the complaint of any informing constable, the magisterial and judicial powers were bound to enforce all the shameful penalties of the Act. With respect to the encouragement held out by it, to those children who were base enough to lay their hands on the estates of their parents, or which debarred a man from the honest acquisition of property; it needed only to be mentioned in order to excite the indignation of the House.

Mr. Attorney General *Thurlow* declared he had no intention of opposing the Bill; but he divided its object into four heads, and wished that the House would not go into the consideration of repealing this or that obnoxious clause in this or that Bill; but that it would take up the principle upon which the laws on each head were enacted, and so modify the indulgence to be given the Roman Catholics, as not to lose sight of the civil objects for which they were framed. The first proposition, he said, was the preaching and teaching of priests; the second, the education of children abroad; for this was different from the teaching meant in the first pro-

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and ought to have but one wish, and one sentiment, we humbly hope it will not be deemed improper to assure your Majesty of our unreserved affection to your government, of our unalterable attachment to the cause and welfare of this our common country, and our utter detestation of the designs and views of any foreign power against the dignity of your Majesty's crown, the safety and tranquillity of your Majesty's subjects.

"The delicacy of our situation is such, that we do not presume to point out the particular means by which we may be allowed to testify our zeal to your Majesty, and our wishes to serve our country; but we intreat leave, faithfully to assure your Majesty, that we shall be perfectly ready, on every occasion, to give such proofs of our fidelity, and the purity of our intentions, as your Majesty's wisdom, and the sense of the nation, shall at any time deem expedient."

The above Address was signed by the duke of Norfolk, the lords Surry and Shrewsbury, Linton for the Scotch, Stourton, Petre, Arundel, Dormer, Teynham, Clifford, and 163 commoners.

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position, as one was the department of the priest or jesuit, the other of the parent in directing his child's education; the third was the forfeiture of infants educated abroad to the Protestant next of kin; and the last was the prevention of holding acquired property. Of all these he held as the most shocking that which debarred the parent from exercising the noblest and best of all affections, the educating of his child in the manner that he thought best for the happiness of his beloved offspring. It was arming the vices of a family against its domestic œconomy, and could not but excite detestation in every breast in that House. To remedy so glaring an evil required little hesitation; but to repeal the penalties against Popish priests exercising their functions freely, required some consideration. The House was first to determine how far they thought it safe to allow the free preaching and teaching of that religion. When this point had been settled, acts could be framed accordingly: then the business could be effected on fixed principles, and not by piecemeal.

Lord *Beauchamp* expressed his satisfaction that the motion was not likely to meet one dissentient voice; and it gave him the more pleasure at this time, as he thought the commercial advantages that parliament now meant to bestow on Ireland, would be of very little use to that country, unless it was accompanied by a repeal of their penal laws, which so long depressed three-fourths of the people there; and this Bill he hoped would, when passed, be an example to the Irish parliament, in whose power it was to give that relief to their brethren; and he was sorry to say he thought, though their faith was in some degree pledged for the effect of some such measure, that nothing had yet been done for that people. They had begged to have a test of loyalty and obedience to the government given them—that test was made, and taken by a large and respectable number of Roman Catholics, yet nothing had yet been granted them in return for that test; nay more, when a Bill had been brought into the Irish parliament to allow Papists to take building leases in corporate towns, that most reasonable indulgence was ungenerously refused them. Something, he said, might be suggested in excuse with relation to the late disturbances in the south-west part of Ireland; but he assured the House, that he never knew a Roman Catholic of property in that country who did not express the greatest abhorrence of those violences; and he was convinced, that it was want of employment, want of industry, and want of reward for labour, that caused them; and he concluded with a declaration, that he did not think the little indulgence which was now proposed to be given the Roman Catholics of this kingdom should be accompanied by any test, as he was sure that any member who read over the Act of king William would think that in repealing it he was not so much employed in conferring favours on the Catholics as in rescuing the statutes from disgrace.

Mr. *Henry Dundas* (lord advocate) informed the House that the acts intended to be repealed were made before the union of England and Scotland, and therefore the repeal would not extend to Scotland, as a statute had taken place in their own parliament, nearly in the same terms, and which he would bring in a motion to repeal.

Mr. Serjeant *Adair* spoke in favour of the motion, not only on account of its principal tendency in point of policy, but because it would liberate the Roman Catholics from the frequent attacks made upon them, under the Acts, by persons, from motives of interest or envy.

The motion was agreed to *nem. con.*

May 18. The Bill being brought in and read a first time, sir G. Savile moved the second reading.

Mr. *Ambler* thought that the whole system of our penal laws should be revised: infinite and well-grounded were the objections against them, and whatever might have been the cause for which they had been enacted, he was satisfied that none existed now. A committee ought to be appointed to examine into the penal code, and see what parts of it ought to be repealed; but as that must necessarily take up a great deal of time, being a business of very great importance, and the session being so far advanced, he thought it would be proper to defer the further consideration of the Bill to next year. He insinuated, however, that some restraint should be laid on the Catholics; he had no objection to giving them security for the quiet possession of their estates: those who now enjoyed any might be confirmed in them, and their heirs, as Catholics, declared capable of succeeding to them without being obliged to conform, in order to secure themselves from informations, or against the mean attacks of protestant

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relations on their property: but he wished that the bar which parliament had formerly thought proper to lay in the way of any future acquisition of landed property might not be removed; let them enjoy what they have, but let them not increase their possessions.

Mr. *Turner* detested the cruel policy that reduced men, by nature free, to a state of slavery. Religion, he said, had always been an engine in the hands of power to enslave mankind: he wished to see all his fellow subjects free, Catholics and dissenters alike; and an universal toleration established by law. The Catholics of this country were amiable, worthy citizens; they lived on their estates, improved them, spent the produce of them at home, and daily exercised the most voluntary and generous acts of charity among those who resided on or near their estates. Their charities knew no bounds; and by all their actions he declared they had manifested a behaviour highly worthy both of good citizens and good Christians.

The Bill was read a second time; and afterwards passed the Commons without opposition.

Debate in the Lords on the Bill for the Relief of Roman Catholics.] May 25. On the second reading of the Bill,

The Bishop of *Peterborough* (Dr. John Hinchcliffe) said: As a friend to civil and religious liberty, I am free, my lords, to own that I think there ought to be neither penalty nor restraint on the intercourse between God and a man's own conscience. I cannot therefore but disapprove of all laws which are calculated to oppress men for their religious persuasion; and to tempt any one with views of interest to trespass on his duty and natural affection, by depriving his father of his estate, or supplanting his brethren, is a policy, in my opinion, inconsistent with reason, justice and humanity. At the same time, my lords, permit me to say, I am not so ignorant of the genius of popery, as not to know it is a very difficult matter to consider its religious principles altogether distinct from that political superstructure which has been raised upon them: and to the support of which, I cannot but fear, that should occasion offer, they might still be made too subservient. Any alteration, therefore, in those laws which the wisdom of parliament has thought necessary, from time to time, for the preservation of our church and state, ought not to be made without due deliberation; and although I profess myself to be a friend to the principle of this Bill, yet I wish it had been brought in sooner in the session, that it might not have appeared to be hurried through both Houses; and that we might not only have had time to consider it ourselves, but to know the general disposition of the nation ere it past into law, for I hold it to be worthy your lordships' attention not only to look into the real security of the constitution, but to prevent alarms of imaginary danger, with which ignorance and malice have heretofore, and may again kindle such a flame, as the authority of law will find it difficult to extinguish. But as there may be particular circumstances which might make delay inconvenient; I beg leave to submit to your lordships' consideration a doubt concerning the operation of this Bill. As the law now stands a younger son may, by professing himself a Protestant, deprive his elder brother of the estate. But after the Bill before us shall have passed, may not an estate be so limited, as to descend only to a Catholic; and an elder brother be incapacitated by the limitation, if he professes himself a Protestant? Provision was made by the Act of king William for the maintenance and education of a child, being a Protestant, during his father's life, at the direction of the lord chancellor; this part of the Act is not repealed by the present Bill; but, my lords, what may be the condition of such child under the conditions of settlement, after his father's death? May he not be left destitute, because he is not a Roman Catholic? These doubts I submit to your lordships' better judgment; and trust that, if necessary, some provision will be made in the committee, to prevent the inconveniences that may hereafter arise, if they are not in time attended to.

The Marquis of *Rockingham* said a few words to shew that the repeal of these clauses would but relieve a very dutiful and loyal part of the King's subjects from hardships, which it was disgraceful for any government to inflict. The reverend prelate had mentioned a particular effect which would be produced by the Bill, as if, in some instances, it gave advantage to those people superior to what the rest of his Majesty's subjects enjoyed; but the Bill had, in fact, no such purport; it only brought them back to a level with their fellow subjects at large, in a few certain points of religious toleration and security of possessions, whilst in a variety of other

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instances they remained in a situation much inferior to them with respect to privileges of religion, profit, power, and honours.

The Earl of *Shelburne* followed the noble marquis upon the same grounds, wishing that restraints similar to those now about to be repealed, had not reduced three-fourths of the people of Ireland to a state of wretchedness, tending equally to alienate their affections from this government, and to prevent an influx of wealth from that country to this. He wished that with a liberal toleration of religion there should be given to a people, who had demeaned themselves so well, a security and free disposal of their property. Further than this, he would not venture to hint at or approve; and as the present Bill did not go beyond that, or indeed so far, he wished it should neither meet with opposition or delay. He went a little into the history of the penal clauses, which the Act was intended to repeal; and observed, that when they were first proposed in parliament nobody approved of them, yet nobody had spirit enough to oppose them. He adverted to the case of a Mr. Molony, a priest of the Roman Catholic persuasion, who had been apprehended and brought to trial by the lowest and most despicable of mankind, a common informing constable of the city of London. He was convicted of being a Popish priest, and the court were reluctantly obliged to condemn him (shocking as the idea was) to perpetual imprisonment. His lordship was then in office, and though every method was taken by the privy council to give a legal discharge to the prisoner, neither the laws then in force would allow of it, nor dared the King himself to grant him a pardon. He however, with his colleagues in office, were so perfectly persuaded of the impolicy and inhumanity of the law, that they ventured to give him his liberty at every hazard.

The Bill was read a second time, and afterwards passed without opposition.

Debate on the Duke of Richmond's Motion respecting the Equipment and Sailing of the French Fleet from Toulon—And on the State of the British Navy.] May 25. The order of the day being read for taking into consideration the Papers relating to the Equipment of the Toulon Fleet,

The Duke of *Richmond* said, that in spite of every difficulty which had been thrown in the way to obtain information, and open the eyes of the people to the perilous situation in which they stood, he had persevered in his duty. Convinced of the inevitable ruin which must have ensued, had the same mad career of politics been pursued, he endeavoured to rouse the nation to a proper sense of its real state; and in the whole of what had been urged against this line of conduct, he was glad to see it this day refuted in the fullest manner, and that by an evidence no less authentic and decisive than the very papers now read. The only semblance of argument resorted to by the noble lords in administration against agreeing to the Resolutions, moved in the committee on the state of the nation, was shortly this: "We," said the noble lords, "agree with you, that the propositions now made are incontrovertible, are truisms; but we do not wish to give them a parliamentary sanction, lest it should expose our internal weakness, and thereby invite our rivals to break with, or attack us." What do the present papers prove? That ministers had in general a full and correct account of what was going forward in the French ports. Is there one of your lordships, who can entertain a doubt, that France was not only well acquainted with the mutilated, imperfect information which came before this House, but was thoroughly informed of what was then held back. His grace observed, that early in January, and regularly thenceforward to the last date, accounts had been transmitted to the office of the noble viscount (Weymouth) and latterly to the Admiralty, of the armaments going on in December at the port of Toulon. This information was full, uniform, and frequent, till the last ten days; and yet no step was taken to defeat the intentions of the French court. It had been regularly the mode adopted on the approach of a war with France and Spain, more particularly since Gibraltar and Minorca formed a part of the dominions of the British crown, to dispatch a fleet into the Mediterranean, and the reason was obvious; because the strength of either one, or both of those powers was divided by nature. The Gut of Gibraltar formed this natural barrier. In the event of a war, therefore, it was always the policy of this country to avail itself of the possession of the fortress of Gibraltar, by stationing a squadron there, to prevent a junction of the naval force of France in the Mediterranean, in the

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first instance, with its fleet in the Western sea. The same conduct applied when France and Spain were united, or were expected to unite.

Before he proceeded, he would be glad to know what was the reason that the information of the state of the Toulon fleet, which was so full, and in general correct, should have stopped short for the last ten days, previous to the account of its sailing, which appeared by the papers not to be known here till the 29th of April? He would assure their lordships, that it was publicly mentioned in the streets of Paris, on the 17th of April, that the Toulon fleet had sailed on the 13th; how, then, came it to pass, that administration had no certain account to the 29th; at soonest till the 27th? a space of full ten days, in which time a man might have hopped from Paris to London! His grace allowed, that the fact might be well known to administration; but that they might not have thought it prudent to detach; if the latter was the case, then the situation of this country was truly deplorable. Our navy, when upon the former occasions an attack from France on these islands was said to be possible, if not probable, was affirmed to be our national bulwark; it was added emphatically by the noble earl at the head of the Admiralty, that it was the duty, and that no man was fit to preside at that board, who was not able at all times to have fleets superior to any that France and Spain united should be able to bring against us. Taking this public declaration on one hand, and opposing it with the inability to detach from our home defence, would reduce the person who made this confident assertion to the dilemma of being accountable to the nation by his head, of assuring it that he would always have a superior fleet to any thing which France and Spain could bring against us: or that, having a fleet in our ports strong enough to spare a detachment, he had neglected to send one, after so many repeated informations of the equipment, and at length the sailing of the Toulon fleet. From the papers on the table, there were 16 men of war of the line at Toulon, or had sailed from thence; 25 at Brest, and 23 at Cadiz. Without, therefore, taking into account what might be in the French and Spanish West Indies, or at home in other ports, he was fairly justified in affirming, that the naval force at sea, or fit for it, belonging to France and Spain, consisted of 64 or 65 men of war of the line, with a proportionable number of frigates. What had Great Britain to this? Twenty men of war of the line under admiral Keppel, eleven of which he saw leave St. Helen's, under admiral Parker; one of which sailed under admiral Montague for Newfoundland, and another for the West Indies; in all 33. He could not help observing, however, the very humiliating appearance it had, to see a vice-admiral of the red-squadron unaccompanied to his station, at the very eve of a war; and another admiral obliged to go in the same manner; nor at the same time of lamenting the fate of this country, which was reduced to running the hazard of trusting its flags aboard single ships; and of course, in the event of hostilities, subjected to the probability of capture. Taking this account to be as he had stated it, his grace observed, in case of an union of the naval force of France and Spain, it would appear, that the whole of our fleet fit for service would be found to amount to 33 ships; while it was acknowledged, that the navy of France and Spain amounted to 64 or 65.

The noble earl would probably say, though we were able and willing to detach, that it was impracticable on account of contrary winds. He could assert, however, that at the time it was said the fleet was detained by contrary winds, that the Victory came round from Chatham, and that two men of war of the line had separately sailed from Portsmouth harbour for Plymouth. Why not, then, send the eleven? The fact, he believed, was, that no part of the fleet had its stores on board, to proceed upon any distant service, which was totally inexcusable, as the ministers must have known some weeks before, if any such detachment could be spared, that the papers on the table pointed out the necessity of being every way prepared either for a short or long voyage.

His grace said he must advert to the vauntings and boastings of the noble earl (Sandwich) early in the present session, when a noble earl (of Chatham) now no more, and whose loss must be deservedly regretted by every lover of his country, told him, that we had not 20 ships of the line, fit for actual service; the noble earl at the head of the Admiralty answered, that we had 35 ready to proceed to sea at a day's notice, and seven at a fortnight; yet it had now come out, that the whole

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number, allowing for odd ships, at the end of six months, did not exceed that number; and that those in any state of forwardness did not exceed the other seven; so that the whole of the noble earl's assertions amounted exactly in May to what they were meant to import in the preceding November; from which he drew this inference, that considering the different means used within the six months now alluded to, the deceased noble earl was fully justified in his assertion.

The noble earl had but one answer, and that one he had once already given, to defend his breach of promise to the nation; that was, that seamen could not be procured on account of the loss of the supply we always procured in time of war from America. The noble earl should have foreseen this eventual defalcation, or he was not worthy of the high post he occupied. He should have allowed for this loss, have provided against it, or shaped his measures accordingly. He knew, long before his late boastings, that that supply would be cut off; consequently he had no right to count on it, or took credit for the present, though he knew it was a false one. His grace concluded with moving, "That it appears to this House, that his Majesty's ministers did receive intelligence at different times, in the months of January, February, March, and April last, of the equipment of the Toulon fleet, which sailed under the command of the count d'Estaing on the 13th of the said last month of April."

The Earl of *Sandwich* begged to remind their lordships, that the question of detaching or not detaching was not now before the House; because, to enable the House to decide upon so important and delicate a question, the force, intentions, and disposition of our enemies should be known; which would be subjects extremely improper to be discussed in that assembly. As to the general censure thrown upon the conduct of naval affairs, and pointed personally to him, he begged leave to differ from the noble duke in the application. He was no more answerable than any other individual in administration; if the measures were wisely planned, he was entitled to share the credit; if otherwise, to share the blame. If, on the other hand, the measures committed to his charge had been faithfully executed, as far as lay in his power, he must stand fully justified to the public. The noble duke had lamented, that the advice of him and his friends was not attended to; the truth was, that France had been, for the two or three last years, acting a most insidious part; and had done us more mischief than if she had actually declared against us.

As to the assertion made by the noble duke, of what had fallen from him on a former occasion, the words imputed to him were, that he said, "that the person who held the office of first commissioner of the Admiralty ought no longer to hold it than while he had a fleet, on every occasion, equal to any that France and Spain could bring against us." The noble duke had misstated his words. What he said was, "that he thought administration ought, at all times, to have a fleet at home superior to France and Spain." If we had not such a fleet, which he by no means agreed to, he certainly would be liable to his share of the blame, as an individual composing that administration; but not in the character of first lord of the Admiralty.

The noble duke had made another charge, which he thought himself bound to reply to, which was by implication, supposing that what had fallen from him in a former debate, in answer to a noble statesman, now no more, who insisted in November last, that we had not 20 ships of the line ready for actual service, could not be true; that we had 35 ready for sea, and seven more in great forwardness, the crews being more than half formed; and the proof on which the noble duke rests his charge is, that we have not now more than that number. If the noble duke's proof fails him, his argument is at an end. His lordship said, there were 21 under admiral Keppel; 15 gone to Plymouth; the Mars, since that time, was condemned; another was burnt to the water's edge; two were at Plymouth; two more had part of their crews shipped on board of the grand fleet; the Terrible had 240 sick a-board, and was therefore unfit for sea; two others were cruising: one paid off; one sailed to the East Indies, and two came into dock, in order to undergo a slight repair; so that the whole number fit for sea was 49; of course the Admiralty was not quite idle, from November till May: nor was it any proof now, that because we had 49 ships of the line, most of them fit for actual service, that we had not more than 20 in November. It might be said, that although we had 49, it was not equal to the combined fleets of France and Spain; on this he could only observe, that it was not certain that Spain would join France; or

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if she did, could any one say what state the force thus united was in? Friendly assurances from the court of Madrid were received: but even supposing the worst; besides the 49 ships last mentioned, 10 more had been put in commission for a considerable time, and were completing their crews: several more ships were ready to take crews aboard; and if seamen could be procured, he had no dread of his being able to procure ships enough for their reception; add to this, that there were nine ships of the line more now in America, or on their respective stations in the West Indies.

The noble duke seemed to lay great stress on our neglect in permitting France to collect so formidable a naval force: besides one reason already assigned (their perfidiousness,) he wished the noble duke would recollect, that France, for the last three years, had, contrary to her constant policy heretofore, directed her chief attention to her marine; and had by that means, put it on its present respectable footing. But even still, if seamen could be had, there was very little to be dreaded from her naval power. The noble duke lived in an extensive maritime country, where it might be presumed, he had great influence. The most essential service he thought, at this conjuncture, when he had every reason to believe a war to be inevitable, would be, for his grace to exert himself, and support the naval officers in their endeavours to procure seamen. The noble duke was lord lieutenant of that county; and therefore required no aid from government, in order to strengthen his hands. The noble duke says, if we are able to detach a fleet, it should have been sent to Gibraltar to watch the Gut, and prevent a junction of the French and Spanish, or French or Spanish fleets from the Mediterranean to the ocean: and the reason assigned by him is, that it was the constant practice, in former times. If his grace rests his argument there, he is most certainly mistaken; for it was not even so at the approach of the late successful war. We did not send a squadron there, though hostilities had commenced at sea for some months.

The Duke of *Richmond* replied, that the noble earl took a responsibility on himself, when he assured the House, that it was the duty of the first commissioner of the Admiralty to have a fleet at all times superior to the combined force of France and Spain. The noble earl had contradicted that assertion. To preserve parliamentary decorum, all he could say was to appeal to their lordships, whether such an expression as that imputed to the noble lord, had not more than once come from him. But, in his lordship's defence, he perceived he had blended another matter, by way of justification, which to all substantial purposes confirmed what was imputed to him, as if he had acknowledged what he now so earnestly denied. Says the noble earl, I am not individually responsible: I have acted in concert with others, and am willing to share the blame, in common with the rest of his Majesty's confidential servants. Now, how does the case stand? The noble earl himself acknowledges, that administration ought at all times to have a superior naval force to that of France and Spain; he allows we have not such a force; he consequently confesses that administration are culpable; and being so, makes himself responsible for every consequence which may follow his neglect or ineapacity. But, independent of this circumstance, he has not been less industrious to convict himself in his official capacity. A superiority at sea, he grants, ought to be maintained; that superiority has not been maintained; why, then, remain in an office to execute ministerially, when he must know that those who have acted with him have failed in their first duty, that of having a superior fleet to any that France and Spain can bring against us? As to his lordship's answer to the state of the navy, in November, by giving a list upon paper of 49 ships of the line, in his opinion it only served to confirm the assertion of the deceased noble earl; for, with all his lordship's ingenuity, the total, after deducting the ships condemned, burnt, disabled, repairing, stripped of part of their crews to be put on board others, &c. did not amount, on the 20th instant, to more than about 35 ships of the line, ready to proceed to sea, at a day's notice, and seven in a fortnight. He defied the noble earl to contradict him. If so, then it was fair to say, that either the state of the fleet in November was fallacious, or the noble earl, with the aid of a six months press, during the two last of which it was carried on with all imaginable vigour, had done next to nothing; though, from the evidence now on the table, he was fully apprized for the greater part of the time, that France was arming, and preparing to strike a blow against this kingdom, or some of its dependencies.

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As to what had been recommended to him, in order to assist in procuring seamen, he was ready to do every thing in his power. He disliked the mode of manning our navy by a press; but necessity superseded all other consideration. The time was now come when we must contend for the very existence of this country as a free state. He disapproved of a press, when the purpose it was intended to serve was the enslaving our brethren in America; but as soon as the French minister, by drawing the mask aside, had declared the intentions of his court, he began to entertain very different sentiments; and as a proof that he did so, he appealed to the noble earl, who as a minister, must know, that he offered his services, and engaged to raise a regiment; stipulating no other condition, but that he might be permitted to serve as a professional man, without pay or any species of emolument whatever. It was not thought proper to accept of this tender; but his duty to his country nevertheless pointed out to him to advance its interests to the utmost of his ability, without waiting to do it in the manner most agreeable to him.

The Earl of *Bristol.* In the weak state of body I am in, your lordships will easily believe it must be a very strong impulse of the duty I owe my King and country that could induce me to appear before your lordships lame as I am, and intrude on those deliberations which this country now so much stands in need of. I assure your lordships that all the bodily pains I have gone through, ever since I had the honour of being last in this House, great as they were, were not equal to that which I felt in my mind, at being deprived, in so critical and dangerous a moment, of giving every assistance in my power in my different capacities, to endeavour to extricate this country from the deplorable state it is reduced to, through the fatal counsels of those who have been intrusted with the affairs of this kingdom.

My lords, the noble duke has fully expatiated on the two principal heads of his motion, which are, first, to prove the intelligence received regularly ever since the 3d of Jun. 1778, of the fitting of the Toulon squadron, till the 13th of April last, of their sailing; and our never taking any steps to prevent their sailing, by having a squadron at Gibraltar, or ever sending orders for any to sail till the 20th of this month. Secondly, by such omission, our having effectually deprived the colonies of any security from that squadron, left our trade and even our own coasts, exposed to the insults and attacks of that squadron. And, my lords, what has fallen from the noble lord at the head of the Admiralty, in opposition to these motions, being in my opinion, still stronger arguments for the resolutions moved for, I must observe to your lordships, that it is notorious, though we have been near 20 months preparing for a war with France, that, till within these six weeks, we have never had a ship make any attempt to look into Brest, to observe what that fleet was about; till the Bienfaisant the other day was ordered; but whom the French never suffered to approach the port. Nor can I learn that we have ever had a ship or frigate look into Toulon, although that fleet has been fitting ever since Nov. 1777; and it is notorious, that part of the French fleet were in the road of Toulon ever since January; and between that time and the 13th of April, that they sailed, you have had no ships to watch them: and surely, my lords, had our fleet been in the boasted situation we have heard, and that there had been even 35 sail of the line ready for immediate service in March last, why were not 12 or 14 ships dispatched to the Mediterranean, which must have effectually prevented the Toulon fleet from passing the Streights; and I believe, would have effectually prevented their moving from Toulon. No, my lords, the French fleet would never have stirred, nor would any squadron have attempted to have gone into the Streights, whilst ours were lying at Gibraltar, or in the Streights' mouth. As certainly, had any ships sailed from Brest, you might then have spared others to follow those, and join your own, provided you had ships off Brest, to watch their motions also. Your lordships must all remember, that admiral Osborn, in 1759, kept the French fleet a whole winter from passing the Streights, by his diligence in cruizing for ever in an easterly wind: and though that since was fatal to his life, yet it not only kept the French from sailing, but he took three of their ships, by which he ruined that intended expedition, and obliged the rest to return to Toulon, having locked them up for some time in Carthagena. I was one of that squadron, and cannot think any of your lordships can have forgot that memorable service, except the noble lord, who might have profited by the example, and by sending a squadron to the Medi-

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terranean, have saved himself the shame which I think the ignorance of the present situation of the Toulon fleet now covers him with; as also, the censures, to say no more, with which his fellow-subjects must for ever load him, should any blow be given by that fleet: nor will any providential impediment, which may occur to prevent that squadron as yet from acting, disculpate his lordship and his brethren: their inactivity, after the wanton profusion of the public money, remains the same, and renders them equally censurable, equally culpable.

The noble lord told us, in March, he had 90 frigates, to replace those with lord Howe, if any were wanted; if so, why were not two or three sent off Toulon, two or three off Brest, and one to attend the motions, at a distance, of the enemy's fleet when sailed, by which you might have had almost a certainty of their destination. At present you know not where they are: they are on the coast of Barbary; they are off Minorca; to-day they are returned to Toulon; in short, they are in a fog, in the clouds. Is this ignorance to be borne, my lords? My lords, if we had not frigates, at least I would have had some light vessel hired, if only a clean tartan, to have kept them company till they passed the Streights; there was time sufficient to have had that executed. My lords, it turns out there were no frigates fit for service. Why not send one of the lightest line of battle ships, or two, for that important service, instead of keeping them cruizing at a great distance from the Channel, where they could neither protect our coasts from insults of the American privateers; nor could they protect our trade, or even be a watch over the motions of the enemy's fleets in any part. So much, my lords, for the wise conduct and distribution of those few ships fit for service, which I am positive, till within these eight weeks, did not surpass 22 sail of the line here in England: but instead of this, my lords, the services of every kind were to be neglected and postponed, and even the trade delayed with their convoys, till the first lord of the Admiralty could shew his Majesty this boasted fleet; and for that purpose rendezvoused them at Spithead, where they ought at this time never to have been collected; but the Plymouth ships should have remained either there or at Torbay, ready for immediate service: instead of which, they are brought all to Spithead, where there was neither beer nor water sufficient for such a number, and locked up afterwards, as your lordships see, by the westerly winds.

Your lordships will remember that this fleet has been fitting since Nov. 1776; that it was March 1778, that the first lord of the Admiralty told us he had then 35 sail of the line ready for service; and that from 1771, we have always had 20 sail of guardships of the line, which his lordship always boasted were ships fit for service, not hulks, useless as they were left to him; and that, after all this, and with drawing from every service every ship that could be collected, and straining every nerve, there could only be 31 ships of the line produced to his Majesty. My lords, I am happy that his Majesty has been pleased to honour his fleet with his royal presence: no man can respect or love his sovereign more than I do; but I cannot say that was the moment to have chosen, to have collected the fleet, to have shewn his Majesty, by which means every thing must be postponed, and every service of the state neglected; and for what? Only to shew his Majesty 31 ships; the poor remains of once so great a fleet! Nor was his Majesty told how these were fitted and manned; that even two of the capital ships of that squadron, intended for the two senior flags, were only tolerably manned a few days before his Majesty's arrival. The Prince George, admiral Keppel's ship, having had near 300 men changed; and the Queen, admiral Harland's, between one and two hundred vagabonds exchanged for as many picked men; and where could these men have been so picked, had not other ships been dismantled for them? the Resolution, Burford and Centaur, and two admirals just returned from a three years station each, whose men were also taken, I mean admiral Gayton, from his Jamaica station, and admiral Mann from the Mediterranean. These are facts known to the whole fleet: exclusive of this, there is not a 74 gun ship which does not go out with 50 seamen less than her war complement. My lords, is this being manned fit for action? Is this being fitted after two years preparation? But, my lords, many and many admirals and captains have complained to me of this reduction in time of war. His lordship will perhaps tell us many have approved of it to him. No wonder they have so; they knowing the noble lord's method of acquiring approbation. I desire no such. I have nothing

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at heart but the good opinion of my country, and to serve it whenever my health will let me.

But, my lords, I say again, if this fleet had been 35 sail of the line, well fitted and manned, with other ships which I must suppose were preparing to receive men, what is the reason that 12 or 14 could not have been detached for this most essential service of all, that of preventing the Toulon fleet passing the Streights, and attempting a junction with the Brest fleet, or any other service they were intended for? They must know that they could have had ships in time to replace that small number on any emergency, had they taken the proper methods for manning them; but there seems to me to have been a total neglect of every thing, except making a parade of these few ships to the public, merely to endeavour to delude people. Your lordships will all do me the justice to recollect that when the state of the navy was debated, I told your lordships that I would not then enter more minutely into the detail of the navy, which I could have done, because a noble lord high in office, had told us we were at the eve of a war. My lords, there is no such restraint on me now. The noble lord has exhibited the state of the navy to be indeed a most melancholy one, since all he could produce was 31 ships. When lord Hawke left the Admiralty, I soon after came to that board, and being very minute in every daily occurrence, took an exact list of the navy, as they were in 1771, when they stood thus: 81 ships of the line fit for service: 14 building: 12 repairing: 7 bought of the foreign ships. This makes 114 of the line. 32 were in a doubtful state, and those I looked upon as lost, 146: 40 or thereabouts have been since sold and broken up. So that 106 ships of the line were remaining. Many, it is to be supposed, have been built since 1771; the noble lord has had 3,500,000*l.* and more for building, repairs, &c. and yet, my lords, he now confesses he has but 49 ships fitting for service, when all is collected in England! Is this possible? Is it to be borne? What is become of the ships then? or what is become of the money? But we have neither the one nor the other, nor any satisfaction to the public for either. My lords, here is the navy list in my hand, by the board's authority, for May 1771, they stood thus: 139 ships of the line; and of frigates, vessels, yachts, &c. 243; in all 382. A prodigious navy indeed—all dwindled to nothing! My lords, pardon me if I am warm upon this subject; I cannot help it, when I see my country so used, and it is in a department that 43 years service surely entitles me to know full as much of, at least, as the noble lord now at the head of the Admiralty can.

But, my lords, it is said there are ships, if men could be had. Great God! What language, to be held here! No men!—I say there are men, if proper means were used to get them, and a proper distribution made of them when got: but, alas! there is no knowledge in any thing done. But, my lords, if they want men immediately, why do not they make seamen of all their marines, and put the officers of marines on shore to recruit; they will sooner and more easily get men by recruiting for new marines, than you can get such a body of seamen. Borrow two or three battalions of regulars for your fleet that is to be at home, for the present, you can always land them when wanted; and I remember that was the advice of all the great sea officers in 1749, when there was a scarcity to man the fleet. Sir John Norris, sir Charles Wager, and others, were called to the cabinet on that question, by that great minister sir Robert Walpole; and they gave that as their advice, and it was followed in part.

But, my lords, notwithstanding all these errors, all these negligences and ignorances, I am not one of those who despond; I trust from the time our enemies have as blunderingly given us, and the alarm the whole nation has now taken, we shall yet extricate ourselves. I have not the least doubt but if we are let to come to action, we shall beat the French, as we have ever done. I most heartily rejoice that the magnanimity, judgment and goodness of his Majesty has called forth that brave officer to command his fleet; I rely on his skill, bravery and conduct, if let to act, as I do in all the officers and men under him; and I will venture to say, his Majesty could not, in all his kingdom, have a better man to command his fleet, either on shore or afloat, than admiral Keppel. My lords, I am not one of those either who think France will dare to make more than an appearance for a descent in England; that they may do, by way of endeavouring to divert our other operations; and I am persuaded that had we ministers capable of properly distributing and conducting the force still left in this kingdom, that we should yet be able

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to revive that former superiority we had last war, and put a speedy end to all the threats and menaces of our enemies. But we must have a change of conduct indeed for this, and I see no such: therefore, my lords, I shall this day vote for the Resolutions.

The Duke of *Bolton* said, it was no longer a question whether exceptions should be made in favour of this or that man. When the salvation of the country depended upon it, every man's assistance was due; and if necessary, must be compelled. But such a necessity could not have existed, but through the gross ignorance in maritime affairs, of which the noble earl at the head of the Admiralty had exhibited such repeated proofs. Severity without effect; and indulgence without favour. He spoke particularly of the absurd conduct of the noble earl at the time of the declaration of the French minister, which was little short of a declaration of war. How did the noble lord act upon that occasion? He suffered two or three days to elapse before he gave directions for a general press; by which means the seamen had time to get out of the way; and when he did issue his orders, it amounted nearly to a total prohibition or suspension of commerce; for it swept the crews of all the outward bound vessels, by which our trade was greatly hurt; the Admiralty board were obliged to relax upon repeated applications from the merchants; those who should have been prest got out of the way; and, in fine, the effect of the press was in a manner totally defeated; for instead of procuring 6 or 8,000 men, he was well informed, that the first fortnight's press did not procure more than 1,000 able seamen. His grace dwelt on the number of men that should be aboard a 74, which, he said, should be 650. To talk, therefore, of such a number of ships being manned when their complements were not full, was delusive. He was extremely severe on the noble earl at the head of the Admiralty; and attributed the present war, not to his counsels as a minister, but to his ignorance and incapacity as an official man.

Lord *Dudley* rose to defend the noble earl. His defence was founded upon the testimony of his own eyes, when he accompanied the noble earl in one of his marine excursions to the several dock-yards; and on a conversation which he had with one Wells a builder, who refused to have any thing to do with the noble earl; because, said the builder, his lordship is so extremely hard in the contracts he makes with the builders, that they must lose, were they to undertake them at his price. The noble viscount then moved the previous question.

The Duke of *Richmond* said, he felt sincerely for the noble earl at the head of the Admiralty, who had this day, for the first time, been deserted in the midst of his distress by his colleagues in office. He called upon administration to rise and say, whether they had deserted their measures, as well as the noble earl; or, knowing them to be no longer defensible, upon any ground of reason or policy, were determined to persevere to the end, and hang by their places, though national destruction should be the consequence? If the latter was the case, he hoped the House, whose confidence and favour they had all along abused, would interpret their silence into a tacit acknowledgment of their total incapacity. If, on the other hand, ministers should be silent, and be supported by a majority of that House, the nation was lost, and their lordships would be answerable to the public and posterity for the consequence. The forms of the constitution, and their lordships assembling in that House, was no better than a solemn mockery of the nation. The other House were known to be at the devotion of the minister; if, therefore, their lordships had nothing to do, but to pass the Bills presented by the other House, and no redress was to be had but from those who were the authors of the public misfortunes, he saw no service parliament could be of. In such a critical state of affairs, when every thing within and without portended public calamity, he desired their lordships to look forward to their own safety, and prevent those mischiefs which have so often followed the mal-administration of the government of this country.

The House divided: For the previous question 49; Against it 34.

The Duke of *Richmond* then moved the following Resolutions, which were lost by the previous question, without a division: 2. "That no orders were issued until the 29th of April last, for any fleet of observation to attend the motion of the said Toulon fleet, and that no fleet did actually sail until the 20th of this present month of May, when eleven sail of the line left St. Helen's. 3. That if the naval strength of this kingdom were in the respectable state of superiority in

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which it has been represented to this House, his Majesty's ministers are blameable for not having, according to the constant practice of former times, and in similar circumstances, stationed a strong squadron in the Mediterranean, to observe the motions of the Toulon fleet, and to prevent the junction of the marine forces of the House of Bourbon from the ports in the ocean and Mediterranean sea; by which neglect the principal advantage to be derived from the expensive fortresses of Gibraltar and Port Mahon is lost to this nation. 4. That if the navy of Great Britain, after such early and full notice of the preparations in the ports of France and Spain, given to this House from the throne at the opening of this session, and after the liberal grants of parliament for many years allotted to this service, be not in a condition to support such a decided superiority as may enable us to make detachments without endangering our security at home; those invaluable out-lying possessions, on which the wealth and glory of this nation depend, must be exposed to the greatest perils, and even our internal safety be ultimately endangered, whereby a crime of the greatest magnitude is imputable to the ministers having betrayed a trust of the greatest moment, and which called the most loudly for their attention, as the very first object of care to a British minister."

Debate on Sir W. Meredith's Motion respecting the Equipment and Sailing of the French Fleet from Toulon—And on the State of the British Navy.] May 25. Sir *William Meredith* observed, that, amidst all the dangers that threatened the very existence of this country, in the wreck of our commerce, and amidst the shocks of public credit, the ministers themselves seemed careless, thoughtless, and regardless of what was past, present, and to come. It does not, however, appear that they have been wanting in information; they had early and complete intelligence of the preparations at Toulon. On the 3d Jan. last they had notice of the equipment; on the 8th Feb. they had advice of the number of ships that was to compose the squadron, and on the 28th of the same month, that the crews were all completed. They had early information of M. d'Estaing's arrival, and of the day on which he intended to sail; that he had 6,000 troops on board; and that he actually did sail upon the 13th. We are now pretty far advanced in the month of May, yet our fleet is still at Spithead; not a ship is sent out, nor one step taken to guard us against this formidable armament, wherever the attack may be destined. Yet it was on the 20th Nov. when the earl of Sandwich informed the public there were 42 ships of the line fit for service, of which he said 35 might put to sea at an hour's warning, and the remaining seven in a fortnight. One needs not be a statesman to know, that on an apprehension of a foreign war, the first thing to be done is to send a fleet to the Mediterranean. To what other purposes were Gibraltar and Minorca conquered? And why have they been maintained at the expence of many millions? He earnestly wished the King's ministers might clear themselves from every possible imputation. It is not only necessary in this country that public opinion should go along with government; but that they should maintain their credit in the several courts of Europe. But if it be true, that we had so great a fleet ready in November, and which might by this time have had 20 more ships of the line added to them, it is unaccountable that they should be at this hour lying idle and useless at Spithead. If a negative was to be put on the motion going to be made, he sincerely wished it might be on the fullest proof and conviction that the ministers have done their duty. Without such proof and conviction, the numbers which may compose a majority cannot, in the eyes of the world, clear them of neglect and criminality. Sir William then moved: 1. "That it appears to this House, that his Majesty's ministers did receive intelligence, at different times, in the months of January, February, March, and April last, of the equipment of the fleet at Toulon, which sailed under the command of the count d'Estaing, on the 13th of April last. 2. That it does not appear to this House, that any orders were sent until the 29th of April, for any fleet of observation, to attend the motions of the said Toulon fleet; and that no fleet did actually sail, until the 20th of the present month of May, when eleven sail of the line left St. Helen's. 3. That whereas the navy of Great Britain was in the month of November last, represented by the King's ministers and servants to consist of 42 ships of the line in Europe, of which 35 were supposed to be ready for immediate service, and seven others were in such forwardness, that they might put to

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sea in a fortnight: his Majesty's ministers were inattentive to the public welfare and safety, in not having stationed a fleet in the Mediterranean, as has been the practice in former times, and on similar occasions; by which neglect, the advantages to be derived from the expensive fortresses at Gibraltar and Port Mahon have been lost: and the Toulon fleet has been left at liberty, for six weeks past, to proceed towards the attack of any of his Majesty's defenceless dominions abroad, and to form a junction with the fleets in any ports out of the Mediterranean, and thereby collect a force from which Great Britain and Ireland may be exposed to imminent danger."

The question being put on the first Resolution,

Sir *George Yonge* seconded it.

Mr. *Adam* said, the consideration of the papers upon the table were materially connected with the situation of this country, and that situation was so critical as to merit more attention than the House seemed inclined to bestow upon it. He then entered into a discussion of the characters of the present French ministers, to shew, that if we had been decided in our plan, or had acted with vigour, we should have forced that court to have renounced its American treaty, and to have sued for a continuance of peace. But that, unfortunately for this country, our ministers seemed to be as ignorant of the characters of those they had to deal with, as they were of events; for it was well known, that the pacific disposition of the French king, the cautious temper of M. de Maurepas, and the difficulty M. Neckar found in procuring money, seconded by the vigorous decision of this country, would have overbalanced the interested and ambitious views of the person at the head of their naval department. He mentioned three things that might have been done, any one of which would have raised the glory of this country, and humbled the court of France. First, by a spirited message accompanied with a powerful fleet, in December last, to have ordered the French court to dismiss Franklin and Deane, which he had the best reason to believe, from his information, would have been acquiesced in: or to have declared war, or acted as if war had been declared, upon the recall of our ambassador: or to have sent a fleet to the Mediterranean, to oppose the Toulon squadron. The efficacy of this last measure he was so much convinced of, that he heartily agreed to the third motion. He proceeded to say, that the fault must either be owing to want of a decisive and vigorous plan, or to want of readiness in our navy: that the first might be the case, our present desperate situation with respect to American affairs, gave us but too much reason to suppose: if it was owing to the second, even then part of the blame belonged to the first minister, who ought to controul all subordinate departments. He insinuated, that when timid and conciliatory measures were to be entered into, that then the noble lord did exert these powers in their full extent; but when vigour, activity and exertion were necessary to animate and push forward the slow and tedious operations of the various departments of government, he then disowned that he had any controuling power, or that he would ever think of encroaching upon the province of others. He here recommended lord Chatham to his example; and exhorted him, if he had any ambition, by an effort of exertion and activity, to retrieve his character, that he might receive hereafter the same honourable testimonies of approbation from a grateful people, that they were now paying with so much alacrity to the memory of that great and illustrious statesman. He then warned the noble lord, that he would not now meet with the same excuse and forgiveness from this country, as he had met with in the American affairs; that the whole nation were unanimous upon this subject: that the spirit of the nation was up, and it was the business of the minister to pursue measures that should resent the injuries of France, and intimidate the other branch of the House of Bourbon from fulfilling the family compact.

Mr. *Welbore Ellis* objected to the propriety of the motion, and said, however true the facts were, the enquiry was highly improper. He did not think the House of Commons an assembly calculated for the discussion of state affairs; it was the business of parliament to raise supplies, not debate on the measures of government. The one was the proper object of legislative, the other of executive power. The senate of Rome, indeed, discussed all political questions: but that body was composed of men of honour and discretion, who could keep their own secrets. A point of great moment was once agitated, when six hundred senators were present; but not a word transpired of their deliberations, till the execution of their counsels

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had actually taken place; whereas the debates of both Houses of Parliament in England were sure to be published in every news-paper. He then moved the previous question.

Mr. *Townshend* ridiculed the notion of the secrecy of this House being greater in former times than now. He condemned the previous question, and the doctrine upon which it was founded, as calculated to crush all enquiry at all times, and as depriving the House of one of its first privileges.

Mr. *Byng* said, he had formerly blamed the ministers for having no information; he had now to blame them for taking no advantage of the good information they had had.

Mr. *James Luttrell.* Though I despair from any thing I can say to awaken ministers to a sense of their duty, when so many gentlemen of much greater abilities and importance than myself have failed in the attempt; yet, when I reflect a moment on the present times—times, Sir, of general outcry of an invasion, of the failure of public credit, the excess of taxes, the decline of commerce, the bankruptcy of merchants, the murmurs and discontent of our fellow subjects, and when we have been told, that our fleets and armies are scarcely sufficient to protect this island and its foreign dependencies, much less adequate to revenge the grossest insults and indignities ever dared to be offered to the crown of England by the House of Bourbon,—indignities announced by a message from his Majesty,—insults warmly acknowledged by the ministers in full parliament—at so humiliating a period of our history, with the sword of Great Britain sheathed in disgrace; I cannot find myself seated in the presence of men, who have brought so much dishonour and calamity on my country, without persevering to reprobate their past conduct—without the utmost jealousy and mistrust of their future conduct.

The papers now upon the table are proofs presented to us by government, that they had full and timely intelligence of the armament at Toulon; they knew its progress regularly from the 3rd of January till it sailed on the 13th of April, with a fair wind; and though that fleet was but seven or eight days moderate sail from the Streights of Gibraltar, it was suffered to be at sea 18 days, and none of our ships ordered out, or found to be in readiness to proceed against that fleet, either by strengthening our force in the Mediterranean, or upon any other plan whatsoever: for it was not till the 1st of May, when the wind changed to the westward, that admiral Byron received his orders. The nation will judge whether ministers have acted like wise men, who made proper use of intelligence, or like persons taken by surprize, and totally ignorant of the operations of France. Their conduct is somewhat similar to that extraordinary general, prince Charles of Lorraine, who having received certain intelligence, that the king of Prussia intended to surprize his camp, surprized the king of Prussia, by getting drunk, and making no preparations for a defence; by which means his army of 80,000 men was cut to pieces, and defeated by the king's army of only 25,000.

I beg leave to remind the House, that the Conciliatory Bills are founded on a principle, that we are able to contend with France, Spain, and America. How does it agree with that principle to find difficulty in opposing one single French squadron? The ministerial argument, that because all is in danger, we must only look at home, may be consistent with their favourite selfish policy; but I trust, the nation has more enlarged ideas, and therefore I think the sailing of the Toulon fleet cannot be too often repeated; the neglect of ministers, which made that fleet of consequence, cannot be too much censured. As a member of this House, I must think it my duty to investigate the charge; but, Sir, I am called upon by additional considerations, for I was bred in a profession in which I was early taught to look up with emulation and respect, to those great naval characters, who have so often distinguished themselves, at the hazard of their lives, in their country's service, and done all that men could do to merit the esteem of the people; to merit a fair and honourable protection from the crown and parliament. Need I say, Sir, that lord Howe is one of those characters; or that to see him sacrificed and betrayed must give every honest man pain? I cannot, therefore, pay a compliment to that sort of candour in ministers which consists in pretending to be so careful of this island, that so gallant an admiral was not thought of till too late to send him any assistance, or even intelligence.

I have heard ministers plead, that they knew not the destination of the Toulon armament: I should imagine their intelligence that eighty masters of merchant vessels were sent to Toulon as pilots; their

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intelligence that passengers of distinction, answering to the description of emissaries from the court of France, were to embark; added to the hastiness of the equipment, and the strength of the fleet, would have alarmed ministers to prepare for its destination being to America. Were ministers ignorant that our army in America depends for subsistence or retreat upon our superiority by sea? Were they ignorant that a scattered fleet is not a match for one that is united? Were they ignorant that a single ship can outsail a fleet? And ought not a man of war to have carried intelligence to lord Howe of a superior fleet to his own standing to the westward? If ministers could not spare a squadron, was the object hazarded not worth sparing one single ship?

Ministers knew the Toulon armament was destined to commit hostilities against us. Were they ignorant that we are unprepared to contend with it in any part of the globe? Ought not a fleet, then, to have been ready to oppose it? Ought not the same admiral and the same ships, to have been ready to sail from Spithead in time, when the wind was fair, instead of delaying till it was too late, and the wind contrary? Could no privy council be found between January and May, to determine how to act, should the Toulon fleet put to sea? Were they all that time wrangling who should have the reversion of the Cinque Ports? or are they totally indifferent how many gallant officers, ships, or troops, are sacrificed through their wavering policy of extreme rashness, or extreme indolence and somnolency?

What is the situation of lord Howe? Was he sent to America to watch the motions of the French, or to protect the army, and to scatter his fleet along the coast, to prevent the Americans from interrupting our commerce? Lord Howe is known to be as vigilant as he is brave; but it may be difficult to enter into his great mind, that an insulted flag is parading at Spithead; or that ministers, who promised to be his trusty centinels upon Europe, have slept on the watch, or been regaling at a mere puppet-shew; whilst that gallant admiral, without time to collect his scattered ships, is suffered to be attacked by a fleet superior to his own—a fleet from France—a fleet escaped from under the eye of government, and gone forth in defiance of that boasted navy of Great Britain, which the earl of Sandwich so often pledged his faith to be superior to the united fleets of France and Spain. That boasted navy, which, by the grants upon our Journals, appears to have cost this nation, in the 8 years of that earl's administration, twice as much as the 8 years of the last war. Had a single ship been sent in time to lord Howe, with orders to prepare, perhaps the great naval skill of that admiral, joined to the abilities of the gallant officers who serve under him, might have united a force, and so managed it, as to have protected that part of the coast where general Howe's army is employed. But, then we must judge of lord Howe's fleet by his returns in November, and attribute to the confidence which ministry place in our running no hazard of defeat in America; that in all there remains 7 sail of the line, 5 fifty-gunships, 3 forty-gun ships, and about 26 frigates, with the advantage of smaller rates to supply the fleet with men. But parliament must see that under the most flattering circumstances, that fleet could not protect the Delaware, New York, Nova Scotia, and Canada.

But what shall be said severe enough of ministers, if they have hazarded so formidable an attack from the French, not only without the advantage of lord Howe to command our fleet, but perhaps deprived of half the ships I have before stated; for, if report says true, lord Howe, in the Eagle, with two 64 gun-ships, and some frigates, are now in their passage home. Others only say, that a part of our ships are ordered to return, but not lord Howe. Sir, if either of those reports are founded on truth, what sort of a fleet will then remain in America to protect the British army? Or should any squadron of ours be met on their passage home by the Toulon fleet, would they not be sacrificed through the fatal neglect of ministry? For though I will admit that it might not have been count D'Estaing's original plan to have steered to intercept them, yet when we consider the strong south-west winds which blowed in the beginning of May, which would have driven the French fleet (if in the western ocean) up into our northern latitudes, it is no longer improbable that our men of war should be met on their passage home, and be taken by so superior a force. A Mediterranean fleet of observation was the more necessary, because a fair wind depends not only upon the place bound to, but the place bound from; whereas a squadron sent from our channel, having the same wind with the French fleet, might not find equal advan-

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tages to shape a course for America, and thereby arrive too late to be of any utility.

How far the resources of this country, its sea and land forces, are equal to contend with France, Spain, and America, ministers, who have made the task inevitable, must answer to the nation. But I do say, if parliament is so panic-struck about invasions—is grown so very humble and insignificant, as to give up all hopes of revenging the insults of the House of Bourbon, and basely mean to yield up the dominion of the seas to our natural enemies, without striking one blow, for the ancient honour and reputation of the British flag: parliament ought, at least, in common justice to the characters of gallant officers, who have lived to serve their country in better days, and under better ministers, to have secured to them a safe and honourable retreat, which the army and navy in America may, through the fatal treachery and neglect of ministers, be totally cut off from, for want of timely intelligence, and a proper addition of ships; and, should the hand of Providence have interposed so much in our favour, as to have rendered eighteen days ineffectual to the designs of France, and so ordered the winds, that, whilst they blew strong at east, both in the Channel and Mediterranean, when the French fleet sailed, and, though the wind did not change to the westward with us till the 1st of May, that it should have changed in the Mediterranean soon after count D'Estaign. I believe so providential an event would not be attributed to the prayers of the earl of Sandwich, or be sufficient to convince the nation of the vigilance, foresight, and wise precaution of government.

I shall take this opportunity to say a few words relative to the armament at Cadiz. I have heard it said, that it is only meant to protect their galleons. But can we be a moment deceived in the intentions of the Spaniards, when we see them send out a force equal to the utmost exigency of being absolutely at war with Great Britain? Is it not a proof, that they do not expect to be at peace with us, even till the month of June, when, at the latest, their galleons should arrive? Is it not a proof, that they, too, have signed the treaty? Whatever be the real destination of that armament, let me remind the ministry, that the review is over, and Gibraltar defenceless. As to an invasion, I have too great an opinion of the spirit of Englishmen, to dread its consequences. I hope, likewise, that we have at last got a fleet to guard our coast. We know we have an admiral to command it (Keppel) justly confided in by this country, and whom the French and Spaniards dread, by their dear-bought experience. I cannot sit down, Sir, without touching on the difficulty which gentlemen on that side the House have expressed, to reconcile to their understandings the warlike order of the minority members, who so long reprobated the civil contests. I think I can, in very few words, prove my conduct to be consistent, if not to their satisfaction, at least to their conviction. I never mean to retract my opinions on that subject. I acknowledge I wished the Americans success, as long as you waged an unjust, rash, and savage war against them, without holding out redress of grievances, and constitutional terms of peace. And, Sir, the same sentiments which warmed me in their cause, must animate me to call strenuously upon ministry for vigorous measures against France and Spain. It is because I glory in opposing arbitrary power, and never wish to see despotic principles established in the constitution of Great Britain, whether by the arms of our enemies, or through the treachery of our ministers. I shall give my hearty assent to the motions. They are founded on strong incontrovertible facts, furnished by government themselves.

Sir *James Lowther* observed, that our present temporizing with the court of Spain was, of all politics, the worst; for that she was only amusing us till the arrival of her flota, which was looked for early in June, and which, some said, was arrived. He asked the noble lord in the blue ribbon, whether it was so, or not? If not, the only step was, instantly to take it, on board of which were eight millions of money. He said, that the Spanish docks lay, some little time ago, so defenceless, that the principal part of their marine might have been destroyed, with the greatest ease.

Mr. *Fox* said, he could not avoid giving his opinion upon the present question, ill defended, or rather totally neglected as it had been by the ministers. He should think himself happy if any of the hon. gentlemen upon the Treasury-bench would interrupt him at that moment; but finding they were not likely to afford him that satisfaction, he felt himself in a situation, in which according to his comprehension

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of the question, no member of parliament had ever stood before. He felt that he, as a member of that House, had, with many other persons in it, been insulted by what the right hon. gentleman had said. For what had the right hon. gentleman proposed? After papers had been delivered to that House, and those papers taken into consideration, he had moved the previous question. And upon what grounds had he moved that question? Because that House ought not to determine that the facts arising out of those papers were fit to determine upon; that the conclusion drawn from these facts was not a fit conclusion for that House to draw! He said, that so far from being an improper time to enquire, he thought the present the favourable moment for these resolutions to be entered into: that all the arguments of the right hon. gentleman were calculated for refusing the information that had been already given, and should have been made when the papers were moved for, not when they were to be taken into consideration; that the undoubted privilege of that House was to enquire into, and to censure the conduct of those who were entrusted with the executive power of the state. The right hon. member had said, that the matter before them was a fit subject for the deliberation of his Majesty's council, but not for the House of Commons. The right hon. gentleman, surely, could not mean that the cabinet council was the fit place to censure want of wisdom in his Majesty's councils. Nor could it be supposed that the same council which had given so many unhappy proofs of its total want of wisdom, would now correct its own errors and be the avenger of its own offences. He observed, that the right hon. gentleman's argument was so broad, that it was calculated to screen every minister that had ever existed; and, if founded in reason, ought to put an end to all inquiry into the conduct of those who had the direction of public affairs. But broad as that argument was, it was not calculated to screen the present ministers.

The right hon. gentleman had expressed a very indecent opinion in very decent words; for nothing could be so injurious to the honour of parliament; nothing so great an imputation on their credits and understandings; nothing so abhorrent from the ends and principles of their institution, as to suppose parliament incapable of deliberating on those affairs of state, which they were immediately summoned to vote and determine upon. To speak with freedom, and to the fullest extent that reason dictated and information gave, was the essence of parliamentary functions; and its exercise became at present more particularly necessary than at any other time, when, through the egregious folly, or the most heinous treachery, in the King's ministers, and notwithstanding the enormous supplies granted by that House, yet, not a single measure had been taken, to guard against the greatest danger that ever threatened this country. In such a situation, when France was with great activity sending out fleets to reduce our remaining foreign possessions, and preparing for an immediate invasion of England or Ireland, whilst we were languishing under the torpor of a supine, senseless, incapable government, it was the care, the vigilance, and the vigour of parliament only, that could afford even a hope of redeeming this country from destruction.

Lord *North* said, he should be happy to have his conduct inquired into when the proper time arrived, but he did not conceive the present to be fit for that purpose. That he could not answer for the ability of his advice, nor that he would prove successful; but he was sure that what he did advise, he advised honestly. He seemed to think the channel service necessary to be taken care of, though he dreaded an invasion as little as any body; nor did he think any such thing very likely to happen. He did not know but a house or a village might be burnt, but he was sure conquest could never be the consequence of such a descent. That freemen would always be able to repel every such attempt. That with respect to the dependencies of this country, they were so scattered, that it was impossible to defend them all from attack, but he trusted something might be done to protect them. That he had every reason to believe the French fleet was very ill manned, and ill provided with every thing, and that they were gone back to Toulon. He then entered into a comparative view of the French and Spanish fleets with that of England, and seemed to think it was not at all wonderful, if the other two nations had a larger united fleet than this country; for if a country did apply a great part of its revenue to building of ships, no doubt it could build ships; but he was inclined to think the British seamen were much superior, and that we should beat

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them, though we had fewer ships of the line.

His lordship then entered into the discussion of continental connections. He vindicated himself from having any share in giving them up. It was very difficult, from what he said, to understand whether he thought them useful or not. He said, they cost Great Britain a vast deal, and the return they made was not adequate to the expence. Great-Britain was strong enough without them: they did not add to her strength. He then seemed to think that the battles won by our allies were battles won to Great-Britain, and that she, therefore, might be advantaged by them. He said, the declarations of Spain were perfectly peaceable, and thought it could not surely be good policy to act in a hostile manner against a country that had not done any thing to offend us; that such a conduct was the sure and only way to establish the family compact. An hon. gentleman (Mr. Adam) had accused him early in the debate for not taking upon him the controuling power of first minister, and guiding all the inferior departments; and had insinuated, that on some occasions he was not averse to assume that power. In answer to that charge, his lordship had to say, that he knew no such person as prime minister; that he was first lord of the Treasury, and would be answerable for every thing that came within his office, but further he did not go; that he trusted he never should be so presumptuous as to think himself capable of directing the departments of others; that whatever name he might receive, he did not think our constitution authorized such a character, and that he stood responsible as one of his Majesty's cabinet council, but not as that animal called a prime minister. He said, when Minorca was lost, there was no enquiry nor censure past, till the business was all over. His lordship seconded the previous question.

Mr. *Grenville* said, that, although he had retired into the country, and wished to have enjoyed the comforts and tranquillity of domestic happiness, without interruption, yet the importance of the question, and the alarming state of our affairs, had impelled him to return to his duty in parliament, and to give his vote on the present question. He desired the House to remember, that he had given notice of the French treaty with America, and that the minister had denied what turned out to be true. He called to the memory of the House, how notorious the preparations at Toulon were; that it now appeared, the ministers knew every step that our enemies were taking; and asked, how they could answer to their king, their country, and their God, for all the mischiefs which their delay and inattention might probably bring on this devoted nation?

The House divided: For the previous question, 117; Against it, 91.

Sir William Meredith then moved his second resolution; but lord North, after a short speech, moved an adjournment. After the second motion was read, and lord North had moved the adjournment, a member desired to know, why the mode of proceeding was altered from the previous question to a motion of an adjournment? To which lord North gave no answer; but

Sir *W. Meredith* replied, that there was a very obvious motive for preferring the motion of adjournment; because the House would then break up without having the third motion stated, which contained a charge of neglect and inattention, and which the minister himself now admitted to be true: for it amounted to the admission of a fact, when the person charged not only avoided an enquiry but flew even from discussion. Perhaps, indeed, it might not have been agreeable to the noble lord to have seen a motion of personal censure supported by so great and so very respectable a minority, as had just now voted against the previous question; and the more so as people without doors will be apt to compare the respective situations of the majority with that minority; that the one is composed of independent men, the others almost to a man enjoy the emoluments of government. But there was one thing, sir William said, he could not help taking notice of, which was that his lordship had attempted to justify his conduct by the example of the ministry in 1756. Whereas nothing could be more dissimilar, neither could any thing be more unfair or indecent in any man than to rake the ashes of the dead for a covering to his own shame. In 1756 the French, with a force fitted out at Toulon, attacked and took Minorca. The ministry at that time were very highly and perhaps deservedly blamed for not having a fleet in the Mediterranean, which the policy of this country requires to be always ready there on the most distant apprehensions of a war. But did the ministers then lie sleeping on their posts as the present ministry are now doing? No, it was on the 27th of March

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when they received intelligence of the preparations at Toulon; and such was the diligence and dispatch of lord Anson, the first lord of the Admiralty, that a fleet was got ready in a fortnight; it actually sailed on the 12th of April under admiral Byng; and had that fleet been successful, there would have been no failure in point of time or preparation. But it is a mistake to assert, that parliament did not go as early as possible into the discussion of that business. 'Twas, indeed, too late to enter into a formal enquiry that session; but the ministers were immediately and incessantly arraigned both within and without doors for not being armed sooner. The very first day of the next session, the enquiry was moved; but the ministers then did not shrink from it as these do now; on the contrary, when the motion was made on this side the House, a noble marquis (Granby) whose memory will ever be dear to his friends and to his country, instantly rose, as a friend to the administration, to second it; and so far from shirking with previous questions, or a still more disgraceful motion of adjournment, the strife was, who should promote the enquiry most. Let me, then, ask wherein does the conduct of that administration resemble this? Whatever disgraces and whatever losses may happen from the operation of the Toulon squadron, are all to be attributed to those ministers who might have prevented our misfortunes, if they had made a proper use of those ample supplies which we have granted. From their tempers and habits much may be attributed to inattention and to carelessness. It is ignominious, it is hateful for men in public stations even to seem regardless of public safety in the hour of danger; but in the present situation of affairs, there is something more than can be set down to the account of folly only; and if the King's ministers shrink as they do now from all investigation of their conduct, unjustifiable as neglect is, they will incur a suspicion of something still more criminal.

The question being put, that the House do now adjourn; the House divided:

Tellers.

YEAS	Mr. Charles Townshend General Fitzroy - -	125
NOES	Mr. Thomas Townshend Mr. Fox - - - - -	89

So it was resolved in the affirmative, and the House adjourned accordingly.

*Debate on Mr. Vyner's Motion for an Enquiry into the Convention at Saratoga—And into the Conduct of General Burgoyne.**] May 26.

Mr. *Vyner* moved "That this House will, now, resolve itself into a committee of the whole House, to consider the state and condition of the Army which surrendered themselves prisoners on Convention at Saratoga in America; and also by what means lieutenant general Burgoyne, who commanded that army, and was included in that Convention, was released, and is now returned to England."† He stated

* "The arrival of general Burgoyne from America, with some peculiar circumstances accompanying or consequent of that event, served, all together, to cause a revival of the business relative to the Northern Expedition, and seemed to indicate such an accession of new matter of investigation, as might possibly keep parliament together longer than had been expected. That once favourite general soon discovered, upon his return, that he was no longer an object of court favour, or of ministerial countenance. He was, in the first instance, refused admission to the royal presence, and from thence experienced all those marks of being in disgrace, which are so well understood, and so quickly perceived, by the retainers and followers of courts. Under these circumstances of disgrace and interdiction, a court of enquiry was appointed; but the general officers reported, that, in his then situation, as a prisoner on parole to the Congress, under the convention—they could not take cognizance of his conduct. This spirited officer then demanded a court martial—which on the same grounds was refused. He then declared himself under a necessity of throwing himself upon parliament, for a public enquiry into his conduct. The business was not, however, taken up, as he expected, by any side of the House at his first appearance. Possibly the lateness of the season, and the fear of the determination of a ministerial majority, might deter the opposition from any steps to that purpose. Mr. Vyner, however, removed the difficulty that occurred on either side, &c." Annual Register.

† "A vast concourse of gentlemen, being introduced by members, assembled this day in the gallery, and some confusion ensuing in consequence thereof, Mr. Gascoyne moved for the House to be cleared of Strangers; the serjeant at arms was accordingly directed to clear it immediately. After which a warm debate ensued on the propriety of shutting up the Gallery on such a day; Mr. Dunning, general Burgoyne and several other members contended strongly for its being opened, particularly the latter, who wished the public at large to judge of his conduct. But all this availed nothing." London Chronicle.

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a variety of questions, to which he desired answers from general Burgoyne. Sir H. Hoghton proceeded to put several other questions, when he was interrupted by the Speaker, who observed that the motion had not been seconded: a silence of a few minutes ensued, when

Mr. *Wilkes* rose and said: I rise to second the motion of the hon. gentleman; but I confess that I am not a little embarrassed as to the mode of our proceeding on this singular business. I entirely approve the motion as far as it goes, and will give it a firm support. At the same time I declare, that I think it too narrow, and that it ought to be amended and enlarged by some general words, which would comprehend all the transactions of the northern army in America during the last campaign, prior to the affair of Saratoga. I believe that I am not at liberty both to second the motion, and to propose an amendment. I submit to you, Sir, the point of order. I rejoice that the honourable member is now among us, for I hope to obtain from him that information which ministers have denied to this House. I think that information ought to include every transaction of moment from the general's leaving Europe to his embarking from America. Truth will, I am persuaded, at length reach the public ear. I do not, however, Sir, in this fair and full historical detail mean to include a relation of the military operations of the last campaign. The House may not be competent to a decision on those subjects. But, Sir, I would go much farther than the honourable gentleman, who made you the motion. I would closely pursue the steps of those who with unhallowed feet invaded America. A nice sense of national honour calls upon us to enquire into the causes of the loss of an entire British army by a disgraceful capitulation, into the particulars of the treaty with the savages, their conduct during the campaign, the imputed cruelties, and particularly the setting fire to villages and houses of the country people, without any apparent necessity from military motives. These important considerations, with many others, are not comprehended in the motion of the honourable gentleman.

Sir, I desire it may be understood that I do not rise to bring a charge against the commander in chief: but, as a public man, to ask that information which can best be had from an intelligent officer of high rank, just returned from the great scene of action. I am sure he will most willingly give it to the House. Every gazette of Europe and America has published the disgrace of our arms at Saratoga, the ignominious terms of the convention, the charges of frequent murders and massacres of the defenceless inhabitants, and the wanton devastation and burning of the country by the British troops. I am entitled to the general's thanks for assisting in giving him this long-wished opportunity of clearing up up many particulars, confessedly perplexed and intricate, of justifying himself and others, under the charges which have been exhibited, at the bar of the public, by half the printed papers of almost the last twelve months. His delicate feelings will always respect the opinion of his country, and he will listen with attention to the voice of the people, possessing an undoubted right to scrutinize his conduct, as well as that of every man in their service, and the military servants of the crown mentioned in the proclamation. I should rejoice that the unhappy impression made on the minds of men by that proclamation issued by the general last June, from the camp at Putnam Creek, was done away. It bears his name, and is, I believe, avowed. The candid part of the world will be anxious to have the same clear evidence of his wise conduct and humanity in North America, which he often gave there of an active spirit and great personal bravery. It would ill become me, Sir, on this momentous occasion, to take up more of your time. The impatience of the House is highly raised and justly excited by objects of infinite consequence, and cannot fail of being completely gratified.

Mr. *Fox* proposed an amendment, by inserting, after the word "consider," the words, "of the transactions of the northern army under lieutenant general Burgoyne, and of ——"

The Amendment was seconded by Mr. T. Powys.

General *Burgoyne* spoke nearly as follows:*

Mr. Speaker; not imagining there would be any motion by the hon. gentleman who spoke first, but that merely a desire of information would be expressed upon certain subjects, I had myself prepared a motion

* From the Original Edition printed for J. Almon, 1778.

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for an Address to the King, to have such papers laid before the House, as are now in possession of the Secretary of State, and contain an account in detail, much too long for me to give in my place, of every circumstance expressed in the questions of the hon. gentleman. Those papers are of the utmost importance to the state, to parliament, and to the public.

The turn the business has taken precludes me at present from my intended motion; but I rise to give my warmest support to the amendment proposed; and as reasons for the expediency of instituting a full enquiry, to which the amendment points, I shall endeavour, as far as I can do it without breach of order in debate, to give to both the gentlemen satisfaction upon the particular subjects of their enquiries.

I agree with the hon. gentleman who seconded the motion, that all the conduct respecting the Indian nations is a matter that ought to be thoroughly canvassed; and I look upon his calling upon me openly, and in my place, as some reparation for the very free, and not very generous comments he made upon my conduct in my absence.

Sir, I ever esteemed the Indian alliances, at best, a necessary evil. I ever believed their services to be over-valued; sometimes insignificant, often barbarous, always capricious; and that the employment of them was only justifiable, when by being united to a regular army, they could be kept under controul, and made subservient to a general system.

Upon this principle I heartily concurred with that gallant and humane general, sir Guy Carleton, in the year 1776, to decline the offers and solicitations of the Indians to be then employed separately: the impossibility of completing the preparations for passing the regular troops over the lakes made it impossible to employ them conjunctively.

In that year, Sir, it was my lot, by delegation from sir Guy Carleton, who was then at Quebec, to preside at one of the greatest councils with the Indians that had been held at Montreal. Many gentlemen here know, that the ceremony preceding the taking up the hatchet, is, to offer to the representative of the power they mean to serve, the pipe of war. It was pressed upon me by the chiefs present; and it was in my power, by a single whiff of tobacco, to have given flame and explosion to a dozen nations. I never felt greater satisfaction than in being able to fulfil the instructions I was charged with, for restraining the impetuous passions of these people: it was a secondary satisfaction, at my return to England in the winter, to justify the conduct of sir Guy Carleton in this respect, though the justification was very unpopular, among those —I mean not to particularize ministers, or ministers of ministers—but among those men, who, in their zeal against the colonists, had adopted the reasoning, that "partial severity was general mercy," provided by carrying terrors it conduced to finishing the war. How just so ever this principle may be, my mind is not of a texture for carrying it into effect; and I returned to Canada the following spring, when I succeeded to the command, determined to be the soldier, not the executioner of the state.

I found care had been already taken by general Carleton, upon the same principles of humanity which always direct his conduct, to officer the Indians with gentlemen selected from the British troops, upon a distinction of their temper and judgment, as well as upon that of their valour; and in much greater number than ever was destined to that service before. To these precautions I added that of a favourite priest, who had more controul over the passions of the Indians than all their chiefs put together; and I trust the expence put upon government to engage that gentleman's assistance through the course of the campaign, will not be esteemed an improper article in my accounts.

Sir, with these assistances I was able to enforce obedience to the injunctions of my speech at the great council, upon assembling the army, which has been made public. Barbarity was prevented—so much so, that in one instance, two wounded provincial officers were brought off in the midst of fire upon the backs of Indians; and a captain, and his whole detachment, placed in ambuscade, were brought prisoners to my camp by Indians, without a man hurt, though it was evident they were placed for the special purpose of destroying me upon a reconnoitring party, and I was at that time very popular with the Indians.

I could produce many more instances to shew, that every possible exertion of humanity was used; and that, the case of Miss Mecree excepted, which was accident, not premeditated cruelty, the stories upon which the hon. gentleman founded

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his accusation of me, were merely those fabricated by committees, and propagated in news-papers, for temporary purposes. The proclamation, which the hon. gentleman in my absence treated with so harsh terms, I avow, was penned by myself. The design was to excite obedience, first by encouragement, and next by the dread, not the commission of severity,—"to speak daggers, but use none." And so far were the Americans, in their hearts, from putting upon that proclamation the interpretation that gentleman has done, that it served to procure me respect and acknowledgment wherever I afterwards travelled through the country.

Sir, a gentleman has been in London great part of the winter, who I wish had been called to your bar. It is for the sake of truth only I wish it; for he is certainly not my friend. His name is St. Luc le Corne, a distinguished partisan of the French in the last war, and now in the British service as a leader of the Indians. He owes us indeed some service, having been formerly instrumental in scalping many hundred British soldiers upon the very ground where, though with a different sort of latitude, he was this year employed. He is by nature, education, and practice, artful, ambitious, and a courtier. To the grudge he owed me for controlling him in the use of the hatchet and scalping knife, it was natural to his character to recommend himself to ministerial favour, by any censure in his power to cast upon an unfashionable general. He was often closeted by a noble lord in my eye (lord George Germain), and, with all these disadvantages, as he has not been examined here, I wish the noble lord to inform the House, what this man has presumed to say of my conduct with the Indians. I know, in private companies, his language has been, that the Indians might have done great services, but they were discharged. Sir, if to restrain them from murder was to discharge them, I take with pride the blame, —they were discharged. That circumstance apart, I should say that the Indians, and Mr. St. Luc at the head of them, deserted.

[*Sir, in regard to the call made upon me by the same hon. gentleman, for explanation respecting the burning of the country during the progress of the army under my command, I am ignorant of any such circumstance; I do not recollect more than one accident by fire; I positively assert there was no fire by order or countenance of myself, or any other officer, except at Saratoga. That district is the property of major general Scuyler of the American troops; there were large barracks built by him, which took fire the day after the army arrived upon the ground in their retreat; and I believe I need not state any other proof of that matter being merely accident, than that the barracks were then made use of as my hospital, and full of sick and wounded soldiers. General Scuyler had likewise a very good dwelling-house, exceeding large storehouses, great saw-mills, and other out-buildings, to the value altogether perhaps of 10,000*l.*; a few days before the negotiation with general Gates, the enemy had formed a plan to attack me; a large column of troops were approaching to pass the small river, preparatory to a general action, and were entirely covered from the fire of my artillery by those buildings. Sir, I avow that I gave the order to set them on fire; and in a very short time that whole property, I have described, was consumed. But, to shew that the person most deeply concerned in that calamity, did not put the construction upon it, which it has pleased the hon. gentleman to do, I must inform the House, that one of the first persons I saw, after the convention was signed, was general Scuyler. I expressed to him my regret at the event which had happened, and the reasons which had occasioned it. He desired me to think no more of it; said that the occasion justified it, according to the principles and rules of war, and he should have done the same upon the same occasion, or words to that effect. He did more—he sent an aid-de-camp to conduct me to Albany, in order, as he expressed, to procure me better quarters than a stranger might be able to find. This gentleman conducted me to a very elegant house, and to my great surprise, presented me to Mrs. Scuyler and her family; and in this general's house I remained during my whole stay at Albany, with a table of more than twenty covers for me and my friends, and every other possible demonstration of hospitality: a situation, painful it is true in point of sensibility at the time, but which I now con-

* This part of the speech included between crotchets, was omitted at the time of the preceding and following parts, and delivered separately upon a second call of Mr. Wilkes; but now is inserted in its proper place, as better connecting the whole matter spoke to by general Burgoyne.

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template with some satisfaction, as carrying undeniable testimony how little I deserved the charges of the hon. gentleman; and I leave it to his feelings, whether, after this explanation, some farther apology is not due to me.]

In regard to the first and most material question asked me by the hon. gentleman who proposed the motion, viz. In what situation is the army at Cambridge? It is with some surprize I find that any part of this country is ignorant of the extraordinary circumstances that have attended it, as I conceive government must have received intelligence of them some time ago. In regard to the report made by myself, I acquit the King's ministers of any blame in not yet having made it public, because it was so voluminous that the papers could not be digested and copied, with the constant labour of three clerks, before last Saturday, when they were put into the hands of the noble lord, secretary of state for the American department. But I trust that noble lord will now lose no time to make public matters of such importance. Let them undergo the scrutiny of the committee as proposed by the amended motion, and let the world judge, upon their report, whether the spirit of the troops and the honour of the nation have been sustained and vindicated during those transactions. In confidence that these papers cannot possibly be withheld, I refer the hon. gentleman to them for a full delineation and explanation of the state of things at Cambridge, and will rest my present information upon a few material facts. The troops have undergone hardships and trials of patience as severe, though of a different nature, as any they experienced in the conflicts of the campaign. They have acquitted themselves with equal resolution, temper, and honour. They are at present detained by a resolve of the Congress, expressing that there are causes of suspicion that the convention was designed to be broke on our part, and therefore they are justifiable, without breach of public faith, to suspend the embarkation of the troops till the Convention is ratified by the court of Great Britain.

In common with various pretences which involved other names in high departments to justify this measure, the Congress grounded many suppositions that I knew to be unjust, upon my conduct. I thought it a duty to the state, to the army, and to myself, to refute those suppositions, and still, if possible, to give immediate effect to the convention. It will rest upon the House to judge, when they see the papers, whether I made good that refutation. And that brings me to another question asked by the hon. gentleman: "By what means and upon what condition I am in person here?" Sir, I charged my aid-de-camp, who carried my dispatch to the Congress in answer to their vote of suspension, which the president had officially sent me, with a second letter to be delivered in case the suspension, after consideration had of my first letter, was continued: the purport of this letter was to ask passports for my personal return for the re-establishment of my health (which was then much affected) for the purpose of settling large and complicated accounts, and other reasons; and I offered to give a parole that should the suspension of embarkation be prolonged beyond the time apprehended, I would return to America upon the demand of the Congress, and due notice given, re-deliver my person into their hands, and abide the fate of the rest of the army with whom I had served. Sir, I had many reasons, not necessary nor proper to be alleged to the Congress, founded upon a nearer interest than health or any private expediency, to make me desirous to return home: to lay before government important truths, not to be communicated by other means, and to supply, as far as in me lay, by an assiduous and honest exertion in this House, the misfortune that had disenabled me from performing my duty in the field. I accompanied my letter to the Congress by one to general Washington, wherein upon an opinion of his character, I asked him for his support to an application that could not interfere with the public duties of our respective situations. I shall beg leave to read his answer as part of my speech; and I do it, Sir, not only lest in these times of doubt and aspersion, I should incur censure for holding private correspondence with an enemy, but likewise because I think this letter, though from an enemy, does honour to the human heart. [Here the General read the following letter]:

"Head-quarters, Pennsylvania,
March 11th, 1778.

"Sir; I was, only two days since, honoured with your obliging letter of the 11th of February.

"Your indulgent opinion of my character, and the polite terms in which you are pleased to express it, are peculiarly flattering; and I take pleasure in the op-

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portunity you have afforded me of assuring you, that, far from suffering the views of national opposition to be imbittered and debased by personal animosity, I am ever ready to do justice to the merit of the gentleman and the soldier; and to esteem, where esteem is due, however the idea of a public enemy may interpose. You will not think it the language of unmeaning ceremony, if I add, that sentiments of personal respect, in the present instance, are reciprocal.

"Viewing you in the light of an officer contending against what I conceive to be the rights of my country, the reverse of fortune you experienced in the field cannot be unacceptable to me; but, abstracted from considerations of national advantage, I can sincerely sympathize with your feelings, as a soldier, the unavoidable difficulties of whose situation forbid his success; and as a man, whose lot combines the calamity of ill health, the anxieties of captivity, and the painful sensibility for a reputation, exposed, where he most values it, to the assaults of malice and detraction.

"As your aid-de-camp went directly on to Congress, the business of your letter to me had been decided before it came to hand. I am happy that their cheerful acquiescence with your request, prevented the necessity of my intervention. And, wishing you a safe and agreeable passage, with a perfect restoration of your health, I have the honour to be, &c.

"GEO. WASHINGTON."

Sir, the Congress readily consented to my application; and by this candid treatment of my enemies, I am here to vindicate my conduct against the false and barbarous interpretations that have arisen and have been suffered to prevail, by those who could have contradicted them, at home.

The hon. gentleman wishes to know what is the difference of numbers of the army between the time of signing the convention, and the present time; and I find the idea of great desertion very much prevails. That some men have deserted, in the worst sense of the word, is true. They are few, the scum of the regiments, and no loss of real strength. The greater part who have absconded, have had no intention to abandon the service, and if an epithet of honour could at any time be applied to a fault, theirs might be called an honourable desertion.* Some of these men left letters or sent messages to their officers, informing them that in their present want of necessaries and comforts, and their inability to serve in arms, they had taken to trades and day labour in the country, but that they held themselves under an obligation from which they would never depart, to return to their regiments whenever the time of embarkation was ascertained: others, upon a high, though a mistaken suggestion of spirit, made efforts to effectuate a passage through the woods, to join the armies under sir William Howe or sir Henry Clinton, and it is believed that some of them succeeded. The whole of the absentees amounted to between five and six hundred men.

Sir, I have thus far endeavoured to give the hon. gentlemen satisfaction in the matters that seem most immediately to engage their attention, and that I could consistently with order adduce in argument to support my vote for a more general enquiry.

I shall now proceed, (as yet stronger reasons for agreeing with the amendment,) to take notice of what has hitherto passed in the House, and upon very imperfect information, respecting other parts of the late campaign.

But, Sir, accustomed as I have been to be indulged by the House upon every occasion; and confident, as I ought to be, upon one where their indulgence is justice, I find cause in my own mind, in entering upon so complicated a subject, to implore anew, the fullest scope to their patience and candour, for a man, whose faculties, far too weak for such shocks, are almost unhinged by a succession of difficulties abroad, that fall to the lot of few, and whose disappointments and anxieties have been consummated, by the unexpected reception he has met at home.

* General Burgoyne took occasion in two subsequent debates to explain his meaning in this phrase, which he found had been misunderstood both within and without the House. He meant to apply the word 'honourable' only to the common soldier's conception, who, unused to consider and discriminate punctiliously the obligations of conventions with an enemy, acted only upon the principles of zeal to serve his king, and again to be actively employed in arms: that therefore their conduct was honourably intended, though misconceived. That so far from justifying that conception himself, he was persuaded that to retain such deserters when demanded, or indeed discovered, would be an infringement of the convention, and he was persuaded sir William Howe or sir Henry Clinton would, upon such demand or discovery, return them.

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And this address, Sir, is the more necessary, because I stand here unconnected and unassisted. I am ignorant who would have supported my own motion, had I made it, though confident from a prepossession of its propriety it would have found assistance somewhere. Neither courting nor fearing power, neither courting nor fearing party, I stand here upon the sole basis of truth and honour, and only ask support in proportion to the justice of my cause.

During my absence an enquiry was instituted, in which my name was very much involved. In the short space of time since my return, and in the agitated state of mind I have mentioned, it has been impossible for me to obtain from the mere conversation and recollection of friends, all that passed upon that occasion: but I have collected enough to know that I have been treated with great attention in general, and it is among my first duties to return to every quarter of the House my very sincere and grateful acknowledgments. I also know, that with all that attention and favour, much implied censure must have fallen upon me, from the nature of the proceedings, and more especially from the position, which I cannot admit to be a true one, but which I understand has been much insisted upon, "That where there is miscarriage there must be blame: and consequently, that the acquittal of one man infers the condemnation of another."

Sir, the papers which have been laid before the House are in some respects deficient and in others superfluous. The first superfluity to which I allude is a private letter from me to the noble lord, acquainting him with my intention of going to Bath; of my audience with the King; of my solicitation to his Majesty for active employment the next campaign; expressing my hopes of his lordship's patronage in that pursuit, and concluding with such acknowledgments and professions as were natural to flow from a warm and unsuspicious heart impressed with a sense of another's favour.

Not conceiving for what possible public purpose this letter was produced, I can only attend to the effects it has had to prejudice me personally. Suspicions have been excited, that at the time I wrote that letter I was courting command, and by adulatory means, in preference and in prejudice to sir Guy Carleton under whom I had had the honour to serve, a confidential second, the preceding campaign. Every person in government might have pronounced my acquittal of so base a proceeding, because they knew, though the public did not, that it was decided * in the autumn of 1776, and notified to sir Guy Carleton accordingly, that his military command was confined to the boundaries of the province of Quebec. It did not occur to the noble lord to state that fact, because doubtless he did not foresee the prejudices the letter would occasion; but I cannot but lament he did not produce other letters of mine, which would have removed effectually every possible suspicion of a design so foreign to my heart as that of supplanting a gallant friend. Such letters would at the same time have rendered unnecessary the long train of correspondence laid upon your table, to shew that the preparations in Canada were duly expedited; because I should have been found to express the fullest sense of the zeal, the assiduity, and the honour with which sir Guy Carleton acted, notwithstanding his disappointment in not being employed to conduct the campaign.

Will it be said, that the letters I allude to were withheld because they were private?—In the first place they do not properly come under that description, though it is true they were not office letters.—They could not be directed as such, because acting in subordination to sir Guy Carleton, the official correspondence could only with decorum pass through him; but they were not private as applied to secresy, nor improper as they related to the distinct and separate object of the command I was entering upon. But, Sir, had any parts of these letters (or of any others necessary to my justification, of which I say there are many) been private in any sense of the word, will that excuse be alledged for detaining them, when there has appeared before you a paper of the most secret nature, I mean my thoughts upon conducting the war from the side of Canada. What officer will venture hereafter to give his opinion upon measures or men, when called upon by a minister, if his confidence, his reasonings, and his prefer-

* This decision was made, not only upon the expediency of the governor attending the civil duties of the province, which were thought at that time to require particular attention, but also upon doubts whether the general's commission authorised him to act beyond the boundaries: and this whole transaction passed long before the return of general Burgoyne to England, and entirely without his knowledge.

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ences are thus to be invidiously exposed; to create jealousies and differences among his fellow-officers, and at last to put an imposition upon the world, and make him responsible for the plan as well as the execution of a hazardous campaign? The plan, as originally drawn, I have no reason to be ashamed of, because it underwent the inspection, and had the sanction of some of the first and ablest officers of this country; but the plan, as it stood when my orders were framed, can with no more propriety be called mine, than any others formed by the cabinet for the distant parts of America, or any other quarter of the globe where I had no participation or concern.—The noble lord well knows, that the idea expressed in the secret paper laid before you of a latitude to act against New-England, was erased; that a power to embark the troops in case of unforeseen impediments, and make the junction with the southern army by sea, was not admitted. —Will it then be insinuated, that the plan was mine?—Why was it not produced in that changed and garbled state, by which the minister made it his own? Because it would have been one proof, if one had been wanting to unprejudiced minds, that by cutting off every proposed latitude, and confining the plan to one only object, the forcing a passage to Albany, the orders framed upon that plan could be no otherwise understood, than as positive, peremptory, and indispensible. But, Sir, it has been boldly insinuated, and perhaps even credited by some in this House, that the words at the latter end of the orders, which are called the saving clause, were specially dictated by me.—Sir, to suppose that, is to suppose me an ideot! —Saving clause—to whom? Surely, not to the general who was to act under it; —for see the situation in which it puts him.—Under the words "you are to act as exigencies may require," let us suppose him to take the cautious part. He makes no attempt upon the enemy, because his exigency was such, that in doing so he must abandon his communications and risk his retreat. What would the government, the army, and the country have said to him? What ought every man to have said to him who read the prior part of this order? "Is this vigorous exertion? Is this to force your way to Albany. The enemy were panic struck before British troops: their numbers therefore were but as shadows. The loyalists awaited your advance to join by thousands—sir H. Clinton was ready to move upon the lower part of Hudson's river—your interpretation of orders was nonsense; your inactivity was cowardice—you have ignominiously lost the campaign."

Take the consideration the other way—the general follows the principle, the spirit, and the letter of his order—fights his ground by inches, and miscarries. "You shall be disgraced for your rashness," says the minister, "You had a reserve and should have made use of it. Exigencies required that you should have remained on the east side the Hudson's river." Sir, to imagine a general could dictate such a dilemma for himself is preposterous. To believe that ministers could mean it, is severe credulity against them; it would be to believe them capable of the equivocation of a fiend, to insure the ruin of those who acted under their direction, whatever part they should take. I charge them not so heavily. I am persuaded that saving clause was meant when it was penned, as it has been understood by me, by sir William Howe, and by every other person who has read it, as referring solely to exigencies after the arrival of my army at Albany.

But, Sir, this ideal blame in not availing myself of the saving clause, has been supported by a story, that I should hardly have believed it within malevolence to invent, but which I find has been propagated with great industry, viz. that generals Philips and Frazer remonstrated against the passage of the Hudson's river; and that finding their remonstrances of no avail, they took the parts of brave men in despair, and persevered in their duty against their reason. Upon the honour of a gentleman, without any saving or reservation soever, I pronounce that report to be a direct and abominable falsehood. Sir, those officers were the eyes and the hands by which I conducted all material operations: more able advisers, or more faithful friends, never existed: that they saw I was placed in an arduous situation, and felt for my difficulties, it is true; but that they ever dropt a syllable that implied an idea that I had an alternative, I flatly deny. The indefatigable alacrity of general Philips to bring forward the transports preparatory to the passage of the river, was uncommon even in support of a favourite object; it would have been uncommon indeed, had he acted with secret reluctancy! As to general Frazer, our communications were those of the most unre-

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served friendship; and it is my pride to affirm, that the consonancy of his sentiments with mine were almost invariable. Upon the passage of the Hudson's river, in particular, he thought it of uncontrovertible expediency; he thought it glorious danger; he was consulted upon all measures at the time and subsequent to it; he bore an active part in many; he approved of all; and the last sentence he uttered, was a message of affection and good wishes to me.

The other falsehoods that have been dispersed respecting the same period of time, can hardly be urged as reasons for enquiry, for they are below refutation; such as the delays occasioned by carrying forward all the artillery, and a cumberous train of baggage—"It was a mark of Eastern pomp," says a ministerial news-writer. That all the artillery was with the army is false, for the heavy train was sent back to Canada: the field-train which remained was that which had been destined for the expedition, when sir Guy Carleton expected to have the conduct of it in person. That intelligent and judicious officer, general Philips, had been consulted upon the proportion; and it had been regulated upon the consideration of the nature of the war; the power of that arm in forcing posts, and against new troops; and the probability of having posts ourselves to fortify. Neither, Sir, was the artillery, in the proportion carried, cause of the least delay; because the horses that drew it were supernumerary to those which were sufficient for all the carts and waggons we had; and consequently within the time indispensibly given for the transport of the provision, the artillery was brought forward by horses that could have been no otherways employed.

The supposed quantity of baggage is equally erroneous. I cannot suffer an idea so unjust to the spirit of the army, to remain upon the minds of the public. All baggage of bulk, to the abridgment of many material comforts, had been cheerfully left behind by the officers; some of them had not beds; many lay in soldier's tents; and I know of none that had more than the common necessaries for active service.

It must be total want of knowledge of the country and the war, to suppose that, with all these precautions, the train of carriages did not still remain great. It is to be considered, there was a train of six hundred carriages; and those too few for the indispensible purpose of transporting provision, where there was no water carriage; there was another train of very cumberous carriages, equally necessary for the transport of the boats, where the rapids prevented their passage in the stream; a transport, in some places, of many miles in length. Sir, it would be trifling with the House to dwell longer upon these censures, the offspring of malice and ignorance; the prevalence of such reports tends to one use—it will persuade the world, at least, that material faults could not abound, when detraction itself is reduced to have recourse to such accusation.

Sir, reverting therefore to the more gross injuries my reputation has sustained, I think I have stated enough to shew, that the character of a member has been unavoidably brought into question, and upon his assertion that the information the House has proceeded upon, is incomplete and fallacious, I know not what description of men could justly refuse to him personally a new and full enquiry.

I would ask of ministers themselves, what would be their feelings, if, after an unsuccessful undertaking of high trust and importance, and debarred, by an interdiction, from the presence of their sovereign, the means of submitting their conduct to that royal breast, where justice, and benevolence, and protection to the innocent are ever to be expected, except when truth is perverted or concealed, what would be their feelings if refused also an appeal to their country? To my brother-officers in parliament I would more particularly apply for support to this amendment, as a common cause of the profession: they will consider the discouragement that must ensue, and the injury the service must suffer, if an officer, who is conscious to have done his best, whose greatest enemies pretend not to impute to him any other charges than excess of zeal and erroneous judgment, and even these charges founded upon a mutilated state of facts—what is the state of officers, if upon such grounds, and by the artful management of other circumstances, they are disgraced at court, put by, if not inevitably precluded the judgment of a military tribunal, and at last denied the only possible means of justification that remains—a parliamentary investigation of a measure of state with which the rectitude or criminality of their conduct is inseparably blended? To my honourable friends

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who made the original motion early in the winter, and all who took part in it, I may yet more strenuously address myself, to repair, by the passing this question and amendment, the injury that unintentionally they brought upon me by the then confined mode of proceeding. To all these considerations, Sir, I could join, were it expedient, many more persuasive calls upon the human heart, to take up this proceeding for the sake of an injured individual; but I wave an appeal to private sentiments, and desire the motion to be considered as a call upon the public duty of the House; and, divesting myself, as far as possible, of every personal motive; scorning the pitiful contention, for such comparatively it would be, whether the minister should exonerate himself from this error in his instruction, or the general from that in his execution; I here in my place as a representative of the nation, require and demand a full and impartial inquiry into the causes of the miscarriage of the northern army in an expedition from Canada.

It is a great national object. The crisis of the time emphatically requires it. The existence of the British empire depends upon the exertions of the military, and the best foundation for public spirit is public justice. In addition to the natural animation which as Britons the army possess, place before their eyes that secondary spring and controller of human actions, reward and punishment. Let the first and most glorious reward, the honest applause of the country, be obtained by a scrutiny into truth for those who deserve it: on the contrary, if there has been delinquency, let the spirit of Manlius preside in the punishment.

"The hand of fate is over us, and Heaven
"Exacts severity from all our thoughts."

If there has been disobedience; if unauthorised by circumstances, if uncompelled by orders (for I will never shrink from that plea) a general has rashly advanced upon the enemy, and engaged against insurmountable odds, the discipline of the state should strike, though it were a favourite son,

"I, Lictor, deliga ad palum."

These, Sir, are the means to excite true ambition in your leaders, these are the means to keep them in due restraint; this was the system of the glorious patriot, whose obsequies you now celebrate, and could his ashes awaken, they would burst their cearments to support it. As for myself, if I am guilty, I fear I am deeply guilty: an army lost! the sanguine expectation of the kingdom disappointed! a foreign war caused, or the commencement of it accelerated! an effusion of as brave blood as ever run in British veins shed, and the severest family distresses combined with public calamity. If this mass of miseries be indeed the consequence of my misconduct, vain will be the extenuation I can plead of my personal sufferings, fatigue and hardship, laborious days and sleepless nights, ill health and trying situations; poor and insufficient will be such atonement in the judgment of my country, or perhaps in the eyes of God—yet, with this dreadful alternative in view, I provoke a trial—give me inquiry—I put the interests that hang most emphatically by the heart-strings of man—my fortune—my honour—my head—I had almost said my salvation, upon the test.

But, Sir, it is consolation to me to think that I shall be, even in surmise, the only culprit; whatever fate may attend the general who led the army to Saratoga, their behaviour at that memorable spot must entitle them to the thanks of their country—Sir, it was a calamitous, it was an awful, but it was an honourable hour—during the suspence of the answer from the general of the enemy, to the refusal made by me of complying with the ignominious conditions he had proposed, the countenance of the troops beggars description—a patient fortitude; a sort of stern resignation, that no pencil or language can reach, sat on every brow. I am confident every breast was prepared to devote its last drop of blood rather than suffer a precedent to stand upon the British annals of an ignoble surrender.

Sir, an important subject of enquiry, as I mentioned at my out-set, still remains—the transactions at Cambridge, and the cause of the detention of the troops. If I there have been guilty, let me there also be the only sufferer.

Sir, there is a famous story in antient history, that bears some analogy to my circumstances; and when allusions tend to excite men's minds to exertions of virtue or policy, I shall never think them pedantic or misplaced.* The event I mean happened in an age when Roman virtue was at

* It had been mentioned in a former debate, that references to ancient history carried sometimes an air of pedantry and were seldom of use.

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its height. It was that wherein Manlius devoted his son and the first Decius devoted himself. A Roman army, shut up by the Samnites at Caudium, were obliged to surrender their arms, and to submit to the more ignominious condition of passing under the yoke of the enemy. The consul who had commanded them, proposed in the senate, to break the treaty whereby the army was lost to the state, and to make him in person the expiation, by sending him bound to the enemy to suffer death at their hands. In one point of view the present case extremely differs from the example; because by the treaty at Saratoga the army was saved to the state. It is the non-compliance with public faith that alone can lose it—and here the parallel will hold; if I have been instrumental to the loss of those brave troops since the treaty, I am as culpable as if I had lost them by the treaty, and ought to be the sacrifice to redeem them. Sir, this reference may appear vain-glorious. It may be doubted whether there exists in these times public spirit seriously to emulate such examples. I perhaps should find myself unequal: but others, who are most ready to judge me so, must at least give credit to one motive for stating the parallel—that I am too conscious of innocence to apprehend there is the least risk of being exposed to the trial. Sir, I have only to return my sincerest thanks to the House for the patience with which they have endured so long a trespass upon their time, and to join my hearty concurrence with the other gentlemen who have spoken in favour of the amendment.

Lord *George Germain* said, the hon. gentleman seemed desirous of an explanation to three circumstances, which he would readily give him. As to the confidential letter, it was accidentally put among the official letters, and by that means was sent by the clerks, among other papers, for which he was very sorry. With respect to M. St. Luc, that gentleman had introduced himself to him, as a man who had performed great services at the head of the savages; and in conversation with him, he had been told, that the general (Burgoyne) was a fine officer with the regulars, but that he did not seem to like the savages, nor did he take the proper steps to retain their goodwill: that he was "un brave homme, mais lourd comme un Allemand"—a very brave man, but as heavy as a German! As to his not having access to his sovereign, there were various precedents for the refusal, till his conduct had undergone a military enquiry. His lordship concluded, that as military men were the most proper judges to decide in the present question, he did not see the propriety of parliament interfering in it at all.

Mr. *Cornwall* was likewise of opinion, that parliament were incompetent judges of the matter then before the House.

The *Attorney General* said, they had obtained one enquiry into the matter, which had been sufficient for the House to form an opinion on the matter; for his part, he had formed one, though he should not declare it.

Mr. *Grenville* wished to revive the committee on the state of the nation, and that the Canada papers might be laid before them.

Mr. *Fox* said, the papers might be referred to a new committee, which he would prefer, because he hoped the same resolutions would not be passed: he was for a thorough and complete investigation; he was apprehensive that upon certain questions being asked, the spirit of the hon. general would lead him to go into the detail for his own justification, and from his openness and candour, he wished to state the motion so as to take in properly the whole unreserved discussion of these melancholy events. If a committee should revive the former subject, he would lay open the dark and shameful decisions, against positive facts, which passed that committee, under the banners of a noble lord over the way, (lord G. Germain.) All the hopes he now had, were, that the House had not yet sanctified the resolutions of that committee; there were now three times the number of members present that there were upon a former occasion, and he hoped, they would not go quite the length of the former committee. The surrender of the army was, as the worthy alderman had said, ignominious to this country, whoever might be the occasion of that ignominy, whether the general or the ministry.

Sir *W. Meredith* said, that an hon. gentleman (Mr. Wilkes) had criminated in a cruel manner an unfortunate general, and made use of injurious and unbecoming expressions against an officer of distinguished merit, who had ventured his life in the bravest manner on many occasions.

Earl *Nugent* said, there was not the least blame any where in his opinion, but a series of unexpected events, which were

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the fortune of war; that every thing respecting the charge of inhumanity, or cruelty, or unsoldierlike treatment, was merely a vague report; that he had read every thing published on the occasion, and would assert, that not a single paper or letter of authenticity, had appeared to justify any harsh expression against the commander in chief of the army which capitulated at Saratoga.

Mr. *Wilkes.* I am on this occasion merely the echo of the public voice. I have made no personal attack on the commander in chief, nor undertaken to support any charge against him. Measures, and not persons, I desired minutely to investigate; and the epithets which I employed, were to the facts and the events. I suppose it will be admitted, that the convention in 1777 at Saratoga was more disgraceful than the capitulation at Closter Severn in 1757, because the troops there kept their arms. I have not proceeded, Sir, at any time on vague report. I referred to authentic letters published by order of the Congress, and to other state papers of unquestionable authority. The hon. general has given us a good deal of the ancient Roman history, but overlooked two or three important questions relating to very modern transactions, and our own history. I wish, Sir, an answer to the charge I have repeatedly read of the burning villages and houses, and the wanton destruction and devastation of property, during the progress of the northern army under his command. One word, Sir, on what is stated by the hon. gentleman, as an event in the Roman history similar to the affair of Saratoga. A considerable Roman army was shut up by the Samnites at the *Furcæ Caudinæ*, obliged to capitulate, and with their general to pass under the yoke. So far is retailed out to us, but the sequel of the transaction is not mentioned. I shall give it briefly to the House. Early in the following year, the dictator Cornelius Lentulus put himself at the head of the same Roman legions, and gave the Samnites a total overthrow. It was no article of the capitulation at Caudium, that the same troops should not serve again against the same enemy. The Samnite general, Pontius, was the very next year after the affair of the Caudine Forks, with the whole Samnite army, forced by the Romans to pass under the yoke, unarmed, with only one garment each, that the former ignominy might be retaliated by the same troops on the same enemy. The Roman spirit soon made a conquest of the whole country of the Samnites, and afterwards of all Italy and the world.

Lord *George Gordon.* I hope this very melancholy account of the sufferings of the King's army under the command of that unfortunate general will at length impress parliament with a due sense of the rashness of their proceedings, and prove a timely warning to his Majesty and to the people, that the most accomplished generals, at the head of the completest armies, when employed by arbitrary power to reduce mankind to unconditional submission, are frustrated in their wicked attempts by the heavenly interposition of the Divine Providence. It has pleased God to support the zealous assertors of civil and religious liberty in their just rights; and by crowning their resistance with success, he has, through his infinite mercy, averted those evils from America, which the violent proceedings of this kingdom, both in church and state, have so manifestly threatened. The experience of a few years has shewed to the whole world the justness of their apprehensions, and the historians of this war will be puzzled to decide, whether the governors of the church, or the governors of the state, have been most eager, bloody, and oppressive in their pursuit after American subjection. The ambitious prelates in the House of Lords have dared to countenance his Majesty in preferring Popery when he had it in his power to have established Protestantism, and parliament has confirmed it annually, by not complying with the pious petitions of the Protestant inhabitants of Canada, who have devoutly, religiously, and constitutionally implored the repeal of that obnoxious Act, the Quebec Bill, as establishing the government of their country upon the narrow basis of French law, and militating in the highest degree against the glorious constitution of this kingdom. Those same high prelates have countenanced his Majesty in employing the savages—heathens without grace or mercy, to carry desolation and destruction amongst the presbyterians and independents in America. And that most horrible massacre of Miss Mac Ray's, will remain an indelible stain on the religion and humanity of Great Britain in after ages, when queen Mary's massacre of the Protestants in England, and the persecutions of the presbyterians in Scotland by king Charles and their predecessor arch-

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bishop Laud, of infamous memory, shall be done away and forgotten. I am very happy at the same time to be able to make two most goodly exceptions in the persons of the right reverend bishops of Peterborough and St. Asaph, who have done honour to religion and their country, through the pious course of their own lives, and by their generosity and loving-kindness to their brethren in America. I beg to add, that from my attachment to his Majesty's person and family, and for the love I bear my fellow-subjects, their lives and liberties, I hope there is no truth in what has been of late very much reported about town, I mean the promotion of certain characters. For I am of opinion, that if his Majesty can be so ill-advised, so far misled, and so deluded, as to continue any longer in his council, or to confer any honours, places, pensions, profit, or emolument, on those unhappy persons who have wickedly attempted to reduce the colonies to unconditional submission, his Majesty will as justly, as necessarily, and as certainly lose the confidence and support of the people of Great Britain, as he has clearly and evidently thirteen flourishing provinces, and three millions of the bravest, most religious, and virtuous subjects of the crown. I shall vote for the enquiry, as amended by the hon. member on the floor, in compliance to the wishes of the unfortunate general who is so very seriously interested in the event.

The House divided upon Mr. Fox's Amendment:

Tellers.

Yeas	Sir James Lowther Sir George Yonge	95
Noes	Sir Richard Worsley Sir Grey Cooper	144

So it passed in the negative. Then the main question being again proposed, it passed, after debate, in the negative.

Altercation between Mr. Temple Luttrell and Lord George Germain.] In the course of the debate on the main question, Mr. *Temple Luttrell* drew a comparison between the conduct of the officer and of his minister. In former times, he said, it had been the custom of Britons to give praise and thanks to such of their officers and servants as exerted their strenuous and zealous efforts for the public weal, even if those efforts were not crowned with success; but now-a-days they bestowed praise only in proportion to the listlessness and inattention with which these servants performed their duty. The noble lord, said he, in the blue ribbon (lord North) disclaims being dictator whenever the mismanagement of government comes under the consideration of parliament. Whether Great Britain is prosperous or defeated, it is none of his plan, none of his act. In every thing essential to the greatness or happiness of the nation, we find the noble lord timid; he is not first minister, he is only the instrument of the privy council: he has but one humble vote there, and cannot be accountable to the nation for the folly of the plans he undertakes to recommend to his sovereign. And should the plan strike at the liberties of his country, at the very root of the constitution, he is then but the echo of parliament. In what is the noble lord daring and enterprising? He prides himself but in one act founded on his own resolution, judgment and integrity; he asks credit in parliament but for one ornament added to the crown, one benefit to the state; that act of his own consists in having fixed on a crisis of impending ruin and calamity unknown in the annals of our history before, and which the firm spirit and exalted wisdom of a Chatham might have found difficult to cope with; then did he seize the glorious opportunity to recommend to his sovereign a war minister, whose public incapacitation for every vigorous exertion of mind, whose disgrace at the court of George the 2nd, was founded on the most decisive censure of a court martial, whose loss of the nation's confidence, and his own character, is a public record. What had the nation to expect from his councils? What plan of his, since in his office, dare he expose to the public eye, and say it has succeeded? Why, then, should we give him a partial acquittal to the prejudice of a gallant officer, whose only crime has been avowedly that he was too zealous, too brave, too enterprising, too anxious for the good of his country, had strictly obeyed his orders, and done all that British valour was capable of, to carry the minister's plan into execution. Had he, instead of that, receded from his colours, disobeyed the commands of his superiors, and hid himself from danger, he might have had pretensions to one noble lord's patronage, (lord North) and to the other's (lord G. Germain) dignities and emoluments. General Burgoyne asks a fair and open trial,

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the man who shrinks from it, and avails himself of an unjust, partial acquittal, must be guilty.

Lord *George Germain* said, that he never was personal in the House, never by any conduct of his merited such an attack; he despised that hon. member, but would level himself with his wretched character and malice; old as he was, he would meet that fighting gentleman, and be revenged. He was interrupted by a cry of Order in the House, and general confusion.

The *Speaker* said, if the House would support him, he would keep order. A cry of Chair, chair.

Lord *North* admitted, that lord G. Germain had been out of order, what fell from him had nothing to do with the question. It was a personal attack on an individual, and therefore out of order.

Mr. *Luttrell* said, he would not be bullied out of the privilege of a member of that House; he had a right to speak his sentiments publicly and fully on a public character. The sentence of the court-martial, in the reign of George the 2nd, was a public record, relative to a man in a public post of trust, which required spirit, zeal, abilities, and integrity, and many essential qualities, as requisite in a war minister as in a general. He had not alluded to the noble lord's private vices or virtues, and if he could be conceived out of order, as to the question, it could not imply that public charge of the minister was a private personality.

Mr. Luttrell took an opportunity, in the confusion of debate, to attempt to get out of the House, to avoid being compelled to promise not to resent lord George Germain's personal abuse of him, but the Speaker gave orders to the Serjeant at Arms, to stop Mr. Luttrell, and bring him to his seat.

The *Speaker* then said, that words of heat having dropped from two honourable members, in the course of the debate, he must require them to stand up in their places, and give the House an assurance that the matter should go no farther.

Lord *G. Germain* said, if he had said any thing that was improper to be said in the House, he was sorry for it, and hoped the House would excuse it. He acknowledged he was out of order.

Mr. *Luttrell* was then called upon. He said, if after being insulted for doing his duty, he was to be committed for delivering the sentence of George the 2nd, he should prefer being committed, to giving up the privilege of parliament, and promising to take no notice of a personal attack, not founded upon public opinion, upon any sentence, upon any trial, and hearing epithets made use of against him, which was meant as personal as they appeared; he should give no other answer, and abide by the decision of the House.

Several members rose, and a dispute ensued, whether lord George had made sufficient apologies or not, and a motion was made about eleven o'clock, by Mr. Buller, "That the hon. Temple Luttrell be immediately taken into the custody of the Serjeant at Arms." Disputes continued till past twelve, in which sir James Lowther, sir G. Yonge, Mr. Howard, and others, were of opinion that the privilege of parliament would suffer, if Mr. Luttrell was committed upon the present facts before the House; and drew a distinction between public and private charges. Mr. Buller, Mr. Onslow, and many members on that side, thought lord George could not, in honour, make further apologies, and were therefore for committing Mr. Luttrell.

Mr. *Luttrell* stood up, and said that being again informed by the oldest members of parliament from every quarter of the House, that no public business whatever could go on till this altercation was settled, and being resolved to abide, at all events, by his privilege of parliament, he should beg leave to second the motion for his immediate commitment; that by his absence the House might proceed on a question of great importance to every military man, and to the whole nation; and that as parliament had but a few days more to sit before its prorogation, and still more weighty affairs of state remained for their discussion, it was necessary to discharge this dispute, he would make no apology for public severity of language, but an apology he must seek for personal insult to himself.

Upon this, Mr. Luttrell was, between twelve and one o'clock in the morning, going to be taken into the custody of the Serjeant at Arms, when

Lord *George Germain* rose to make a second apology, which was fairly and particularly addressed to the hon. gentleman, for certain improper words, which the noble lord had addressed to him, in the warmth of debate, and from feeling himself hurt by the charges stated against him.

Mr. *Luttrell* then said, that now the

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House were satisfied that sufficient apology was made for the personality they had heard spoken against him, he should, out of respect to the House, comply with their injunctions, that it should go no further; and begged leave once more to observe, that what was said by him of the noble lord was meant as public matter, not as private abuse or enmity.

The previous question was put on Mr. Vyner's motion, and carried without a division.

ADMISSION OF STRANGERS INTO THE HOUSE OF COMMONS—PUBLICATION OF THE DEBATES.] May 27. Sir *P. J. Clerke* observed, that the members of that House were very improperly treated in the House of Lords, by being associated with every stranger that was promiscuously introduced either by the peers or the door-keepers. They were obliged to stand, and run the danger of having their pockets picked, as had in more than one instance occurred this session. Considering how very differently the members of that House were treated in this, he thought it became them to assert their dignity, and establish a perfect equality between them. The House unanimously concurred with the hon. member, and hoped that in the beginning of next session it would be a matter for their consideration.

Mr. *Temple Luttrell* expressed his satisfaction that the standing order, which had been exerted the day before to exclude strangers from the gallery, was again relaxed. That circumstance induced him to depart from the intention he had otherways formed, of putting every standing order that existed, no matter how troublesome, into execution. He considered it as the right of his constituents, that they should have admission to see the proceedings of their representatives, and whenever that right was invaded he would, if he could not prevent, at least make them repent it.

Lord *Ongley* complained bitterly that the debates of that House should be permitted to appear in the news-papers. He saw them daily misrepresented, as party opinion, favour, or disgust, directed: and it was for that reason that he wished the gallery to be shut against strangers. He would be happy if an act of parliament was made totally to prevent the publication of their debates.

Mr. *Temple Luttrell* replied, that now indeed they spoke out, and avowed their reason for excluding strangers. This he suspected before to have been their motives, notwithstanding the many disguises they had thrown upon it, and the avowal determined him in his conduct. He knew it to be necessary to the existence of the constitution, that the people should be acquainted intimately with the conduct of their representatives. The news-papers were the only channels of conveyance, and he declared for his own part, that if such a measure was adopted, he would dare to inform his constituents of the proceedings of parliament.

Debate on Mr. Hartley's Motions for putting a Stop to the War in America—And against the Prorogation of Parliament.] May 27. Mr. *David Hartley* said: The motion which I shall offer to you to-day requires little explanation, and I hope the House will think that it requires no apology. If I thought that it could possibly admit of any debate, that the House before their prorogation should make a sort of recapitulation of the objects which have been adopted as the ultimate end of all our labours during this session, I might trouble you with some arguments to induce your compliance. But as the system of conciliating America by those reasonable concessions which we, on this side of the House, have been many years pleading for, has now been adopted by the administration themselves, I could wish to fix the sense of the House and of the public to perseverance in the same disposition, and that they should publish to the whole world that the change in their conduct has not arisen from any temporary caprice, but from a sedate and considerate review of past measures respecting America, and a firm conviction of their injustice and folly, thus producing, as the fruit of that conviction, a total reversal of them. It certainly may fall out, that the concessions now offered to America, may not be received as they would have been some time ago, when we, on this side of the House, so strenuously contended that some offers of concession and accommodation should be made to them: that it is possible that this may happen, will be allowed by those who are most sanguine in their expectations of success from the commissioners. For my own part, I am perfectly clear, that their voyage will be totally fruitless. The terms which you now offer might have served to have brought on a treaty of accommodation if they had been offered

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some time ago; for instance, when the noble lord at the head of the Treasury, offered what was called his conciliatory proposition, but a fallacious indecision has accompanied every measure that has been taken towards the recovery of the affections of America by any proceedings of justice or moderation. For these reasons principally it is, that I offer this motion to you to-day, to signify, that you are heartily bent upon accomplishing the great object of reconciliation; that you value peace above every other consideration; and if any rubs should happen in your present plan, to declare to all the world, that you will be ready to co-operate with his Majesty in any further conciliatory measures which may be necessary to give efficacy to your pacific intentions. I therefore move, "That an humble Address be presented to his Majesty to represent to his Majesty, that the great and important events which have come to the public notice since the commencement of the present session of parliament, both with respect to the state of the American war, and the conduct of the court of France towards Great Britain, are of the most alarming nature, and call for the most speedy and prudent counsels to put a stop to the progress of the war in America, as well as the most vigorous and decisive measures to repel any hostile attempts from France. To assure his Majesty that his declaration at the beginning of the present session, That he should consider the restoration of peace in America as the greatest happiness of his life, and the greatest glory of his reign—is perfectly consonant to the dispositions of his faithful Commons: and tha this further declaration to them in the course of the present session, of his determination to maintain and uphold the power and reputation of this country in respect to all foreign nations—is not less satisfactory to them, as the national honour must ever be as dear to them as it can be to his Majesty himself. To represent to his Majesty, that those two points of restoring peace in America, and of maintaining the national honour in the sight of all foreign powers, are the nearest to the hearts of his faithful Commons, and that they will never relax from pursuing them with sincerity and ardour till they shall be fully and effectually accomplished. That his faithful Commons beg leave to express these sentiments in the most public manner to his Majesty, with this view, that there may remain no doubt or suspicion in the minds of any persons in America of their sincere desire for the restoration of peace, which they value and prefer above all other considerations whatsoever; and for which purpose they will be ready to co-operate with his Majesty in any further conciliatory measures which may be necessary to give efficacy to their intentions; and that it may be known at the same time to all foreign powers, that the Commons of Great Britain stand always prepared, upon all just and necessary occasions, to resent every insult, and to repel every attack upon the dignity of his Majesty's crown and upon the national honour."

Sir *George Savile* seconded the motion.

Lord *North* heartily concurred in the motion.

Mr. *Grenville* thought the words "any further conciliatory measures" were very loose, and might be construed to include the independency of America, which he was not for allowing. He must therefore wish that either those words might be totally left out, or others inserted, restraining this approbation to such measures as were consonant to the act appointing commissioners.

Earl *Nugent* was for having the motion negatived as it stood.

Lord *Newhaven* opposed the motion; saying, he would never agree to it, as he suspected independence to America lurking in some corner of it. That he had supported government to the best of his abilities, with a view to recover America from its unhappy delusion. That he had never wished to enslave America, but ardently wished they should continue subjects to Great Britain as free as himself, with the fullest exercise of all the rights of the British constitution; but that he would never give a vote to render them independent, or suffer them, while the power of this country existed, to extort it by rebellion. He would be bold to say, that it was not in the power of the King, Lords, and Commons, to give independence to one part of the British dominions to the prejudice of the rest. He lamented, that there was an end to all government in this country; that the laws of the land stood still, and that the constitution reeled to and fro like a drunken man.

Sir *George Savile* jocosely observed, that it was no wonder the constitution should reel, seeing that our administration had been drunk these four years.

Sir *W. Meredith* said, that whether or

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not the motion went so far as to offer independence, it was a certain known truth that it was not the interest of America to insist on it. The religion, language, customs, manufactures, and laws of this country, would naturally invite a connection between them and us. France and her laws were odious to them. Extreme distress was the only tie that united America with France. The independence of America would only be of service to a few of the rulers. The people at large would suffer by it. It was as inconsistent with their interest to desire, as it was with our honour to grant it. The mean concessions of ministry, he feared, would not be accepted. Propositions of reconciliation with a people who had been so ill used, in order to have effect, should come from men in whom that people could have a proper confidence, not from those who had so long harassed and deceived them.

The friends of the motion perceiving, that if the question was put, it would be negatived, strongly solicited Mr. Hartley to withdraw it: which he consented to.

May 28. Mr. *David Hartley* rose and said: I propose, with your permission, this day, to offer the following motion to the House: "That an humble Address be presented to his Majesty, to intreat his Majesty, that he will be graciously pleased not to prorogue the parliament, but that he will suffer them to continue sitting for the purpose of assisting and forwarding the measures already taken for the Restoration of Peace in America; and that they may be in readiness, in the present critical situation and prospect of public affairs, to provide for every important event at the earliest notice." This motion was originally a part, and intended to have been subjoined to the motion which I offered yesterday to the House; but as this proposition was independent of the other, I was induced to separate them, to accommodate myself to the sentiments of some hon. gentlemen who were willing to give their assent to the declaratory Address, but not to the proposition of keeping the parliament any longer sitting. The person to whom I more particularly allude, is the noble lord at the head of the Treasury, to whom I beg leave to return my best thanks for his support of my motion yesterday, though it was ineffectual. There is no obligation that I could feel more sensibly, because there is nothing that I have so much at heart as cultivating and improving every possible opportunity of restoring peace between this country and America. I am very confident, that the day will soon come, when the House will regret having been so touchy upon every proposition that has but the shadow of American independence. It is want of prudence in the extreme to become more and more attached to impossibilities, in proportion as they become more evidently so. The Americans, you all know, are in fact independent. If you regret that independence, you have your ministers alone to thank for that event. By their advice and persuasion, his Majesty and this House have turned a deaf ear to all the petitions and applications from America for redress of grievances. But you would at that time offer no other terms than unconditional submission, the only alternative to which is independence. Your force is now, in all effect, defeated in America. One army entire is taken prisoners. The force which remains, is so far from being adequate to the conquest of America, that, I fear, it will find great difficulty even to defend itself. The ministers of this country first introduced foreign forces into the contest. The Americans have now in their turn called in a foreign power to their aid. We know that a French fleet of 12 or 14 ships of the line (and, as report says, with 3,000 land forces on board) has sailed these six weeks from Toulon to their assistance. Then see what a situation your remaining army will soon be in. The whole force of America augmenting and triumphant, against a brave, but diminished and deserted army, for the ministry have taken no care to send them sufficient succours. These are the events which are coming upon you without delay. Let me then ask, whether this be the time to be prorogued for summer amusements; or rather ought we not, at such a moment, to redouble our anxiety and attention, to provide "ne quid detrimenti capiat res publica."

Another argument that I would offer to you against a prorogation is, that we may be found watchful upon our post, as the guardians of this country, to be in readiness to receive at the earliest moment, the report from the commissioners, who are gone to offer a treaty to America. I think we may be but too well assured what that answer will be. Can it be believed that a nation who renounced the government of this country, and asserted their independence even as a challenge to you two

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years ago, when you made the great and formidable attack upon them, being then without allies; can it, I say, be conceived that the same people, having now successfully asserted that independence, and being triumphantly in possession of it, with foreign alliances for their farther support, now that your force is but little better than totally defeated, should for no reason, and from no necessity, relinquish that situation of independence, which you cannot wrest from them? It is an impossible expectation. The declaration of independence has not only passed in Congress, but every province has adopted the new government of independence; and almost every individual upon the continent has taken the oath of allegiance to their respective new governments. Besides these proofs, which I think can hardly be called presumptive proofs, because they amount to a certainty, we have, however, recent and positive proofs which lately arrived from America. I mean the resolution of the Congress of the 22d of November, 1777, which runs to this effect: "Resolved, that all proposals for a treaty between the King of Great Britain, or any of his commissioners, and the United States of America, inconsistent with the independence of the said states, or with such treaties or alliances as may be formed under their authority, will be rejected by Congress." These are the considerations which induced me to offer you the motion, which I did yesterday. I am confident that you have sent your commissioners upon a needless errand, and that they will return with a refusal; for which reason, if I could have had any influence with the House, I would have recommended to them as a preparation for such an event, to have come to a declaration, that, preferring peace above every other consideration, they would have been ready to cooperate with his Majesty in any farther conciliatory measures, which might be necessary to give efficacy to their pacific intentions.

If any man were to put the question to me, what should we do in the present circumstances of our affairs? if my motion of this day were to be complied with, I confess I should be put to a great difficulty to give him an answer. But this is an additional reason for taking the wise and prudent advice that parliament upon consultation might afford. The point of independence is over; do not deceive yourselves upon that subject. Can you break the alliance between France and America? Certainly not. America will be faithful to her alliances. Remember at the same time, that it is the ministry of this country which has driven them into those alliances. These points are fixed; I know they are. I have had some means of information authentic upon these subjects, that I am confident I am not deceived. If as a private person, I might give an opinion, I would endeavour to obtain your consent to the following terms, as the basis of a negociation. I have the strongest reasons to know that this country will never get better terms of treaty. I have explained the reasons of my conviction to his Majesty's ministers, and have laid before them the following heads of negociation, as the result of the best opinion and expectation, that in my opinion, the case presents: That America be declared independent: That Great Britain and America shall agree mutually not to enter into any treaty offensive to each other: That an open and free trade shall be established between Great Britain and America: That a mutual naturalization shall be established between Great Britain and America: That commissioners be appointed on each part, to negociate a fœderal alliance between Great Britain and North America.

Sir George Savile seconded the motion. No person offering to answer, the Speaker was proceeding to put the question. General Burgoyne applied to the Treasury-bench, to know whether the King's servants meant to agree to the motion? In which case he said he should give the House no trouble: that otherwise he thought himself pledged to deliver his sentiments. The call was, "Go on;" and

General *Burgoyne* proceeded as follows:

Mr. Speaker, I shall not pursue the argument of the hon. gentleman, upon the expediency of parliament being ready sitting to deliberate upon the first intelligence that may arrive from your commissioners; that argument has already been too ably enforced to require a second: neither, Sir, after so long an indulgence as I received in a former debate, shall I again press upon the attention of the House the debt they owe to national justice and policy, upon the subject of enquiry: though the generals Howe and Carleton may be expected every day; and it was upon their absence alone, that the greater part of the House seemed disposed

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to postpone so important and necessary a duty. But, Sir, I shall rest solely upon a view of the present state of this country, as universally compulsive upon the understanding, in favour of the measure proposed. While an enemy is prepared upon the neighbouring coast, and perhaps is at this hour embarking, diffidence, despondency, and consternation, are evident among great part of the people. A more fatal symptom prevails among a greater part; a torpid indifference to our impending fate. Men dare not, or will not, look into their desperate circumstances. God grant that general panic be not the result of all these demonstrations! for panic is incident, upon some occasions, to those who have been most distinguished for bravery upon others.

The salvation of the country depends upon the confidence of the people in some part of government. The ministry have it not; the whole nation see, or think they see, their insufficiency. I mean not to apply these words grossly or virulently; there are among them many to whose personal qualities and talents I bear respect, and to none more than the noble lord in the blue ribbon. But talents are relative to times; and it is no reproach to say, that men well qualified for negociation, finance, or the smooth current of government, may be totally unfit for their stations, when the crisis requires instant resource, decisive counsel, animating action. That these are notoriously wanting, the best friends of the ministers shake their heads and confess. Is there a man of common sense and common spirit in the country, that does not stand confounded and aghast at the late supineness? that does not think the heralds ought to have accompanied your coach, Sir, when you carried up the Address of the Commons; and that the declaration of war at St. James's gate should have accompanied the answer from the throne? "Be patient," we are told; "France may repent; Spain yet speaks us fair,"—Sir, to be patient in our situation is to be abject: our pusillanimity gives tenfold increase to our natural weakness. Patience in private life, under affliction or disease, the strokes of fortune, or the hand of heaven, is a virtue of lovely hue; but political enduring—tamely to suffer provocation and injury,—the most wanton insult that ever was offered to a nation,—I mean the message of the French ambassador:

——"Turn thy complexion there,
"Patience, thou young and rose-lipp'd cherubim,
"And there look grim as hell."——

It will be difficult to those who are most conversant in history, and accurate in observation, to point out examples, where, after an alarm, the spirits of men have revived by inaction. This nation is put into the state of a garrison, whose out-posts are abandoned, whose sallies are stopt, and who are to combat in the body of the place for their last stake. I do not say, that men have not fought desperately in such situations; but then they have been brought to extremity by a progression of conflicts, and have seen great examples to raise and stimulate their public passions. I know of no great exertions, where the governing counsels have shewn apprehension and terror, and consequent confusion at the outset. The success of vigorous measures to restore an army after a panic, is almost invariable; ancient history abounds with examples; in our own time, they are frequent. When general Romanzoff found the Russians impressed with apprehensions of the Turkish cavalry, his first measure was to lay aside the use of chevaux de frize, and to encamp without entrenchments. The revival of the general spirit of a state depends upon the same principles. We need not look abroad for examples; we have a more striking one at home than foreign annals can produce, in that immortal year, 1756, the commencement of the earl of Chatham's administration. The most glorious tribute we can pay to his memory, is to follow his example. Let ministers visit his remains, while yet above ground, and catch wisdom, and vigour, and virtue from the view. Did he keep fleets at Spithead to prevent invasion? Did he fear to trust the internal defence of the nation to her own sons? No, Sir, your navy was employed in offensive operation in every quarter of the globe; and the nation, supported by a just confidence, were ten times stronger after the dismission of the Hanoverians and Hessians than before. Every ship became a fleet, every regiment felt itself an host.

We have now a brave admiral riding at Spithead, who knows the way to prevent invasion by seeking the enemy at a distance. His share of glory in the defeat of Conflans is on the minds of his followers; you cannot gratify him or them more than to give them a second occasion, and by the same means, to save their country. The brother of that admiral, a member of

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this House, (general Keppel) bred also in the best schools of his profession, is second in command on shore, and second to one who needs no other praise than that he was the favourite (lord Amherst) and the friend, and the confidential executor of the arduous plan of the great statesman I alluded to.—Let these men be assisted with national spirit, and England is not to be subdued, while a river or a hill remains; without such spirit, another battle of Hastings may make another Conquest.

Sir, I repeat that the best hope of generating and diffusing this genuine strength of the mind, to which arms and treasure are but inadequate substitutes, depends upon the presence of parliament, "to provide (according to the words of the motion) for every important event at the earliest notice,"—To strengthen the crown, not by adulatory addresses, but by such occasional sanctions, as would give fresh and extra-energy to its power, pending the emergency that might require it: to support public credit, in union with the city of London, not only by common engagements of faith, but by acts of quick and encouraging efficacy towards individuals, who might nobly risk their all in the cause: but above all, in full numbers and by general continuance, to exhibit themselves to the world a true representative of a determined people attacked in their vitals;—to prove that they are not to be seduced from their duty by the allurements of pleasure or personal interest, but have fortitude to await the approach of the enemy, as the Gauls were awaited by the senators in Rome; and, if need were, to receive death in these seats, to give example and fire to their surviving countrymen. Sir, a parliament, thus inspired, (the occasion, I believe in my conscience, would give the inspiration) would spread immediate and extensive veneration and influence.—Faction, in this great city, if faction there is, would be no more; majorities and minorities here would be lost in unanimity for the public safety;—the King's name, thus supported, would be in truth a tower of strength; and the daring attempts of the enemy would only tend to the present glory and future stability of the state.

Sir, these are my sincere sentiments; and for this free delivery of them, I doubt not that I shall read in the morning papers of to-morrow that I have thrown myself into the arms of opposition. I am conscious I never did so true a service to the king and to the country as I do in the part I now take; and whatever may be the idle comments of the day, I trust that with the respectable part of the public, if the term 'opposition' is to imply blame, it will be applicable only to the rejection of this motion. If the king's ministers take the lead, and exercise their persuasion for that purpose, I hold them to be opposers of national spirit, opposers of public virtue, opposers of the most efficacious means to save their country. Sir, I scorn to take up this language upon so pitiful a motive as personal resentment. Government, whoever are the ministers to conduct it, shall have my voice when my conscience directs it. That I think myself a persecuted man, I avow; that I am a marked victim to bear the sins that do not belong to me, I apprehend; but this is not the first time I have stood the frowns of power for parliamentary conduct; and whatever further vengeance may be in store for me, I hope I shall endure it as becomes me. I am aware that in far better times officers have been stript of their preferments for resisting the possessors of that bench.—They cannot take from me an humble competence; they cannot deprive me of a qualification to sit here; they cannot strip me, I trust they cannot, of the confidence of my constituents to seat me here; they cannot strip me—I am sure they cannot—of principle and spirit to do my duty here. I never was more excited by these motives, and I never can be more, than upon the present occasion to give my vote in support of the motion.

Mr. *Rigby* ridiculed the extraordinary mode, as he called it, of reasoning adopted by the last speaker, that every man who opposed the present motion, or his particular opinions, was an enemy to public virtue. He begged leave to differ from the hon. gentleman, for he always understood that free debate and liberty of free judgment, was the very essence of that House. The only argument used by the hon. gentleman who made the motion, for preferring an adjournment to a prorogation was, that parliament might be sitting, and ready to assist with their counsels, when an account might be supposed to arrive from our American commissioners. If this was all the hon. gentleman meant to take by his motion, it was in fact already complied with; there was a law in being, by which the crown was enabled to call the parliament, in case of actual invasion or rebellion. It was acknowledged, and had

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not yet been contradicted, that a rebellion was existing; consequently, though terms of conciliation, or actual refusal on the part of America should be received; and that in consequence of such intelligence, the convening of parliament should become requisite, his Majesty would have it in his power to call it together within the time stated, which, he believed, on all hands, would be confessed to be sufficiently early to provide almost against every possible exigency. The adjournment was only matter of form. The Speaker, it was true, and the officers of the House, would be obliged to attend at certain stated periods; but he was certain it would be only to meet, in order to adjourn; for he would not be able to procure a regular attendance, or indeed any attendance.—He then proceeded to personalities against the hon. gentleman who spoke last. He said he was a prisoner, and had no right as such to speak, much less to vote in that House. He expressed a wish to be tried. The hon. gentleman knew, when he desired a trial, that he could not be tried; he was upon parole; he was, as a prisoner under that parole, not at liberty to do any one act in his personal capacity. Suppose, for instance, the hon. gentleman should be tried and found guilty, who could punish him? No one certainly. A prisoner is always bound to his first engagement, and amenable to the stipulations of those who have prescribed the terms. To talk, therefore, of trial, without the power to punish, was a farce; the power to try, implied the power to punish; or such a power meant nothing.—Take the matter in another point of view: the affair of Saratoga had been already enquired into and decided upon. He denied both those assertions. Whatever steps had been already taken in the business, implied neither condemnation nor acquittal. He wished to be understood, that there was a fault somewhere; and he would never allow, though there was a majority of nearly four to one, 144 to 44, that what the House determined on that occasion, was either an acquittal or condemnation of those who planned, or those who executed; he was satisfied it was not. A British army was lost, the blame must rest somewhere; the present was not a proper time to enquire, because all the parties could not be present, and because at no time was that House competent to such an enquiry. It must be sent to a military tribunal, where the hon. gentleman would be tried by his peers. When that event took place, if the honourable gentleman should be honourably acquitted, then it might become a proper subject of parliamentary enquiry. Till, therefore, the arrival of all the parties concerned, and the discharge of the hon. gentleman from his present engagement, should take place, and in consequence of that he should be acquitted, the measures which were committed to his charge could never become a matter of state, or be agitated in that House.

Mr. *T. Townshend* condemned the mode of proceeding recommended by the last speaker, as destitute of spirit. He disapproved of all examination into private characters. He was severe on what he called the illiberality of the hon. gentleman to the unfortunate general, who was labouring for the dearest thing a soldier can possess, his reputation.

Mr. Solicitor General *Wedderburn* said, the motion was unnecessary, as, by law, during the American rebellion, the King could call the parliament in 14 days, notwithstanding a prorogation; which creates a new session, in which even recent Acts may be repealed. He then took occasion to propound doubts relative to general Burgoyne's capacity to vote in parliament; and he argued them, at length, with visible preparation and much learning. He referred, very particularly, to the story of Regulus; and, to make the cases parallel, stated the general as a common prisoner of war (the Convention of Saratoga being now broken); that, consequently, he was not *sui juris*, but the present property of another power. He insisted, with still less expression of doubt, that the general, under his present obligations, was incapacitated from exercising any civil office, and incapable of bearing arms in this country.

General *Burgoyne*, in reply, stated the mistake upon which the learned gentleman's argument was in a great measure founded, namely, that the Convention was broken, and that the general was under the usual restrictions of a prisoner of war. The Convention was declared by the Congress not intended to be broken, on their part, though the execution of it was suspended. The general, therefore insisted, that he was under no other obligation, than that specified in the Convention, "not to serve in America;" and that of his parole, "to return at the demand of the Congress, and due notice given:" that in this country he was free to exercise his

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rights as a citizen and a soldier; that, should the enemy land, though the present disfavour might preclude him from the command which his rank, and some experience, might entitle him to, he trusted the King would not refuse his request to take a musket in defence of his country. He proceeded to argue, that even upon the supposition that the learned gentleman's position had been true in its full extent, and that he had been, directly, a prisoner of war under parole, he should not have been incapacitated from acting in parliament; and in answer to the precedents brought from remote ages, he produced one of a present member (lord F. Cavendish), who, when a prisoner in France, after the action of St. Cas, and upon his parole in England, sat and voted in parliament. That noble lord, upon quitting France, had asked, whether any restraint in that respect was meant? as he should certainly vote for every measure that could distress the enemy. He was told, that they should as soon think of restraining him from getting a child, lest, when it came to maturity, it should do them mischief.—The general proceeded to observe, that the cases, in point of explanation, were precisely the same; for that before he left the army, it had been intimated to him, that there were persons in Boston, who doubted whether he should not be restrained by parole from taking any part in parliament, at least, when America was concerned; that he came to an explanation with those entrusted with the sentiments and powers of the Congress; and declared, that if such restraint was intended, he would remain and die in that country, rather than return home. The idea was abolished; nay, more, it was expressed, that the friends of the Congress conceived rather advantage than injury from the general's presence in parliament; that they wished for peace upon proper terms; that they were persuaded, the general, as a man of humanity, wished the same; that they believed he had honour to speak truth, and that truth would conduce to that desirable end.

Sir *H. Hoghton* thought the business should be suspended until the difficulty respecting the general should be settled.

The *Speaker* said, it was not a matter of doubt. The learned gentleman had argued upon a supposition, that the hon. general had not received so extensive a permission as he standing in his place had affirmed he possessed. As this assertion could not be disputed, there could not be a doubt of the hon. general's right to his seat.

After this explanation, the Solicitor General acknowledged that no doubts remained as to the general's rights; and the House were unanimous in the same opinion.

Mr. *Fox* confessed he saw the greatest reason in the world for adopting the measure of the address, and not one against it. Remembering how fatal the last long recess had been, he could not conceive how any man, in the least interested in the welfare of his country, could think of trusting again to the management of the ministry. At the very instant, when the House were about to think of a conciliatory plan, it was adjourned for more than six weeks [the Christmas recess] and in that fatal time, what was the conduct of the ministry? Though they knew that they were about to yield up every thing they had before denied, and by the intimation of which, in due time, they might have prevented the effects that had ensued, yet they never made the least intimation, but gave time for France to conclude a treaty, by which every hope of bringing America back to dependency was lost for ever. They filled up that space in levying armies, without the knowledge or controul of parliament, and for that reason truly we were to trust them again, as fully and implicitly as we should do a majority of parliament. Ready on all occasions as that majority was to obey the will of the minister—inattentive and negligent as some, and dependent as most of them were, yet still he preferred their votes and measures to those of the administration. An hon. gentleman had said, that they were carrying on war at this very time, to the best of their understandings, against France and Spain. Looking back to their conduct, he found equal reason for being displeased with their understandings here too. What stroke had they struck? or what active enterprize had they executed? They had moved an address to the throne, and they had recalled their ambassador: this was the extent of what their understandings had produced. In more than two months they had been able to execute these mighty objects, and their understandings assuredly deserved credit for the happiness of the contrivance, as well as for the accomplishment of these two things. It was said, by a learned gentleman, that his Majesty had it in his power to convene parliament

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in 14 days; but so he had after an adjournment; and it was better to trust to adjournment, in this case, which would certainly convene us, than to a prorogation, which might not do so. "Aye, but," said the learned gentleman, "by a prorogation we shall have a new session, and then we may repeal the Acts of the present." Then, said Mr. Fox, it may be fairly concluded, that we are to repeal the Acts of the present session. That learned gentleman is the key to the cabinet; he knows the secrets of state, and he says we must, in the next session, probably repeal every thing we have done in the present; he knows that the propositions of peace will not be accepted; he is not sanguine enough, to flatter himself that they will; he knows that the plan is inadequate; the concessions, however humiliating, not sufficient; we have brought ourselves so low, that kneeling before them, with concession in our hands, cannot procure us the peace we pant for, and we must repeal them before we succeed. I agree with the learned gentleman, that the plan we have proposed is inadequate; but if in the present session we cannot repeal, we may vary; and as we do not mean to restrain the Americans in any degree, the variation that may be necessary will be in our power. The situation of his hon. friend was an incentive towards continuing the session, of the most powerful nature. The hon. general was unfortunate—singularly unfortunate; and it was the business of the House, to enquire into the causes of his misfortune, and charge them on the true author, whoever he might be. It was to his hon. friend a matter of consolation, though he knew him too well to suspect that he preferred private consolation to the good of his country; yet, he said, it might console him to think, that he was not the only unfortunate man who had served the present administration. It was the fortune of every man who had served them to be unfortunate. Every officer in America was an instance of the fact. General Gage had not reaped any laurels in their service, nor had Admiral Graves any reason to rejoice at his success. Sir William Howe had not escaped the misfortunes that had overtaken their servants; though crowned with repeated conquests, he had lost by his success. Lord Howe's character could not be much hurt by their insinuations, rancorous as they had been; but he had gained no additional honour from his exploits in their service. The manner in which the other gallant officer, sir Guy Carleton, had been treated, needed no comment; it was upon record, and would stand an example in future, for the instruction of all those who might be hazardous enough to attempt to serve their country under the auspices of men who were obliged to cover their ignorance and inability, and screen themselves from ignominy and contempt, by throwing blame upon the men who were unwise enough to act as they were instructed. The concealment of intelligence delivered to them, under any form, was criminal to the highest degree, when the character of a soldier depended upon the disclosure. He knew not how to speak of their conduct and preserve his temper. He wondered how the people could hear of it and withhold their resentment. He could not avoid adverting to a circumstance, which he confessed was new to him. It was a subject of praise to a noble lord, whose ingenuity he seldom had cause to applaud; just, however, to merit in every instance, he could not be blind to it in this; where invention was so rare, it was politic to cherish the first appearance of it. A timely attention might promote its growth, as good husbandry, and careful cultivation, made even a barren soil fruitful. The noble lord in the blue ribbon had most ingeniously created a new species of oratory, and that of so divine and specific a nature, that it would serve every occasion, and refute every argument. When we attempt, said Mr. Fox, to charge to that noble lord's negligence or inability, the loss of America, and thereby the destruction of national grandeur, national interest, and national credit, he replies, in his newly-invented language, "Well, you may say this, and say that: but I do say again and again, I did not lose America." This reply is irrefutable. What can be urged against it? We must alter our accusation, and, instead of throwing it on the noble lord, condemn general Washington, as the only cause of our having lost America. His superior abilities had frustrated every effort; we did all that men could do, but he, like the arm of Heaven, overthrew our strength, and made us yield to his superiority. Arguing in like manner, we ought to say, it was not owing to the head or the heart of king James, that he lost the crown of Great Britain, but the wickedness of the times. He did all that man could do, but his enemies were the more powerful, and he was forced to submit. In the same manner, if

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the fleet that sailed six weeks ago from the port of Toulon, had attacked and taken the most valuable territory of the empire, destroyed our fleet, and made captive the army in America, we must not condemn the ministry as the cause of our misfortunes; they could not avoid it; they did all that men could do, but the winds of Heaven were against them, and the winds of Heaven were alone the destroyers we ought to condemn. It has been repeatedly urged by the noble lord, that it is not possible for administration to defend all our extended empire from the encroachments of the enemy. True: but is there any one part of the empire at this moment defended, except Portsmouth? Have the ministry put their own defensive plan in execution? Ridiculous and inadequate in our situation as a defensive plan is, have they even begun upon that? Nature has assisted them most materially in this task. The Gut of Gibraltar is a kind of general protection for our Mediterranean dominions; a fleet stationed there, prevents those of our enemies from sailing—and yet, so blind and indifferent have ministers been, that no fleet is stationed there for that purpose. We cannot, as the noble lord says, number ships with France and Spain. This superiority is multiplied by our acquiescence. It is not the greater number of ships that a state actually possesses, but the number employed in action that constitutes superiority. If France has twelve line of battle ships at sea, while we have forty-two in port, she is superior. Instead of defending, let us attack. One great stroke of policy must now be attempted, as one great, sudden, unexpected stroke can alone, in our present situation, save us. Such a one as that which determined the fate of the last war, and such a one as might now be effected. Need I say that the capture of the Spanish flota would be an issue to the conflict. To effect such an object, the hands of government must be strengthened, great, prodigious supplies must be granted, the nerves of war must be strained to their extent, and, for that purpose, this House must and ought to continue to sit. Money will be wanted in the course of the summer, and it will be necessary for the House of Commons to find it somewhere. Deplorable as our situation is, it is nevertheless not desperate, for Great Britain cannot despair, provided her ministers are as able to plan as she is to execute.

Lord *North* answered particularly to almost every argument of the opposite party. General Burgoyne had not reason to say he was a persecuted man. That assertion he could not sit and hear, without, at the same time, feeling the injustice of it. It had been the care of administration to cherish his merit; they saw it in its growth, and reward kept pace with its progress. If to be raised above his elder officers in the service, was persecution, he did not wonder, considering how much he had been persecuted, that he wished for more. He did not at all interfere with his political opinions. He might throw himself into the arms of opposition, without thereby recommending himself a bit the more. He did not look for merit to any particular part of the House: general Burgoyne had a superior claim to most others, wherever he sat. He begged the hon. gentleman who spoke before him, not to level his satire at the majorities of the Houses of Parliament. They were respectable, unbiassed, and confident in their conduct; he paid the utmost deference to them, but, in the present case, he truly thought that parliament might trust as safely to the ministry. It was their interest to convene them, in case of advice from the commissioners: in case of invasion; in case of emergencies that might require further supplies. It was their interest, and parliament might trust them at least so far with as much confidence as they would majorities. The hon. gentleman had said, we were not yet in a desperate situation; the assertion did him honour. It was a proof of his superior understanding: it was true. The hon. gentleman had echoed an assertion he had often used: "That he had not been the cause of losing America." He confessed he had frequently said so, and he was ready to submit his conduct to parliamentary enquiry. It might be, as the hon. gentleman had said, a new language, and it might be used for the purpose of preventing harsh censures. Was it so much owing to his inability, negligence, or design, as to the inflammatory conduct of some men, that we had lost America? He had never touched on that point, and he wished to be silent on it. He had, on a former day, given his opinion on the propriety of intercepting the Spanish flota. It would not be honourable, and therefore it would not be politic. He agreed with the hon. gentleman that great supplies must be granted, and the utmost efforts made, even this summer. He hoped they

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would be made, and he expected they would be successful.

Mr. *Burke* could not, he said, hear the most distant comparison made between the majorities of parliament and the ministry, without feeling resentment at the pretended equality. Blind, biassed, and manacled, as the majorities had of late been, still the dignity of the House and the recollection of what majorities were formerly, induced him to reprehend so unequal a comparison. Majorities had been composed, even in this session, of the independent part of the House. The opinion of the minority, by continuing the same for years together, brought them, by the transition of the contrary opinion, into the largest majority that ever the present administration were blest with. Minorities have become majorities, by the absurdity, in the first instance, and inflexibility, in the second, of the ministry. He could not avoid reverting to the dream of the learned gentleman, nor enough wonder, reflecting on his amazing sagacity, that he should have been reduced to the necessity of quoting examples from the records of barbarity. The conduct of war, in the days of Rome, is, indeed, a very proper line for ours! It would have been the misfortune of that learned gentleman, if he had been made a prisoner in those days, to have been set up to public sale, with his doubts, and his ribbons about his neck, and sold for a slave. He was happy that the learned gentleman's dream was so soon, and so easily read, and that, like all dreams, it had been born in the weakness of the brain, and had ended in nothing. He begged leave in answer to an expression, that had fallen from an hon. gentleman, and which had been answered by the noble lord, to say something in favour of opposition. It was not his wish that any hon. gentleman should join with opposition, before he had well considered the principles he himself entertained, and the conduct of the party he was about to join. To young members he invariably said, that he would rather wish them to join administration, than to adhere to opposition, before their minds were made up. It was so much more shameful to change from opposition to administration, than from the latter to the former, that he begged them to be cautious and considerate in their choice. If the hon. gentleman did mean to join with the part of the House to which he adhered, he would only say, that he would join with a set of men, as wise, as disinterested, and as worthy as ever existed, engaged in the greatest and the best of causes. He begged to say to the noble lord, who denied himself to be the cause of our disasters in America, that if he would not confess that he had, through wilful blindness, lost that continent, he must be forced to acknowledge that he had been the dupe of interested individuals: that he had been misinformed, misadvised, and had misconducted the whole affair. The noble lord had not intended, perhaps, to lose, but he certainly had lost America.

Mr. *Turner* informed the House, that there were vessels in the Bay of Dunkirk, ready to sail, at an hour's warning, fit to carry 30,000 men. Marshal Broglio was on the coast, 30,000 men were in readiness, and an invasion was undoubtedly the design. Was it not therefore a consideration of the most material weight, for the House to provide against that danger, by sitting and deliberating, from day to day?

The House divided:

	Tellers.	
YEAS	Mr. Fox - - - -	58
	Mr. Turner - - -	
NOES	Sir William Gordon -	105
	Mr. Robinson - - -	

So it passed in the negative.

Proceedings in the Commons on the Death of the Earl of Chatham.] May 11. Colonel *Barré* informed the House, that the earl of Chatham had died that morning, at his seat at Hayes, in Kent; and moved, "That an humble Address be presented to his Majesty, that his Majesty will be graciously pleased to give directions, that the remains of William Pitt, earl of Chatham, be interred at the public charge."

Mr. *T. Townshend* seconded the motion.

Mr. *Rigby*, after expressing his great respect for the departed statesman's unrivalled talents, and his regret that his country should be deprived of them at a time when they were so much wanted by her, declared, that no man in the House revered him living more than he did, though he sometimes differed from him in politics; but the noble earl's virtues had made an indelible impression on his mind, and the very last words he ever spoke in parliament, particularly commanded his gratitude and admiration. He, therefore, certainly would vote for the motion, if the

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hon. member should think proper to persist in it; but he begged leave to say, that he thought a monument to his memory would be a more eligible, as well as a more lasting testimony of the public gratitude than the defraying of his funeral honours.

Mr. *T. Townshend* would have spoken in reply to Mr. Rigby, but sorrow choked his utterance, and he found himself obliged to sit down; recovering himself, however, in a few minutes, he delivered a short but most feeling eulogium on the merits of the deceased peer, and concluded by expressing his affliction, that he should be snatched from us at a time when his country was in so much want of his abilities.

Mr. *Dunning* said, he could not suppose there could be two opinions in the House on such a motion, in point of principle, though there might be some difference of sentiment upon the modes of expressing our sensations; for his part, he thought the two propositions were in no degree opposite, and, therefore, should move, that the following words be added: "And that a Monument be erected, in the collegiate church of St. Peter's Westminster, to the memory of that excellent statesman, with an inscription expressive of the public sense of so great and irreparable a loss; and to assure his Majesty, that this House will make good the expences attending the same."

Lord *North*, who had gone home, then entering in great haste, declared his happiness in arriving time enough to give his vote for the motion, which he hoped would be carried unanimously, and he lamented, that he had not breath enough, from the hurry in which he came, to express himself with the degree of respect, which he wished to shew on so great an occasion.

The motion as amended was agreed to *nem. con.*

May 13. Lord North informed the House, that his Majesty had been waited on with the said Address, and had commanded him to acquaint the House, that he would give directions as desired therein.

Lord *John Cavendish* then called the attention of the House to a matter in which he hoped to find their gratitude manifest itself in a generous manner. The great statesman, whose loss this country would long have reason to regret, the immortal Chatham, had not signalized himself less by his disinterestedness than by his zeal for his country's service: in this last object was every other consideration sacrificed; and while he had any thing to do for the state, he was insensible to every desire to aggrandize himself: public and personal interests were ideas he had never connected; the latter were always swallowed up in the former: the effects of this generous spirit now laid heavy on his family: and he flattered himself that the House would take their case into consideration, nor suffer the descendants of that great man, to whom this country owed its greatest glory, to be exposed to want.

Lord *North* heartily coincided with the noble lord: he was conscious that the late lord Chatham had deserved so well of the state, that his descendants had certainly a just claim to the generosity of the House, and the gratitude of the nation: he assured the noble lord, that he would with pleasure support any motion that might be made in favour of the late earl's family.

Mr. *T. Townshend* then rose for that purpose: he launched into a panegyric on the renowned statesman whom the nation had just lost, and drew a just picture of his great qualities and virtues. After summing up his virtues, and shewing that however beneficial they had been to the state, his family had not reaped that advantage from them which they might have received, had he been less disinterested, he moved, "That an humble Address be presented to his Majesty, to return his Majesty the thanks of this House, for his most gracious Answer to their Address of Monday last; and to beseech his Majesty, that he will be graciously pleased to bestow some signal and lasting mark of his royal favour on the family of the late William Pitt, earl of Chatham; and to assure his Majesty, that, whatever he, from his princely goodness, shall think proper to be granted, this House, animated by the gratitude which they, in common with the rest of his Majesty's subjects, feel towards the memory of that upright and disinterested minister, and ambitious of giving a testimony of their approbation to that public virtue and spirited conduct which directed the councils of this country in the last glorious and successful war, will, with the greatest cheerfulness, make good to his Majesty."

Lord *Nugent* warmly seconded the motion: his lordship was not more sparing of his encomiums on the late earl, than Mr. Townshend had been; and to give a striking proof that, like St. John in Pope's

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Essay on Man, his last wish was for his country's good, he instanced his last words to his son, lord Pitt, when that young nobleman, previous to his departure for Gibraltar, was taking leave of his dying father, "Go, my son," said the venerable patriot, "go whither your country calls you; let her engross all your attention, spare not a moment, which is due to her service, in weeping over an old man who soon will be no more."

Mr. Fox and Mr. Byng both paid their tribute to the memory of the man, who, they said, had raised his country's glory to an unrivalled pitch.

Col. *Barré* assigned his reason for not being beforehand with Mr. Townshend, and making the present motion together with his motion for a public funeral: he said that the task had been assigned to him, because in his professional capacity he had acted in an expedition which the noble earl had planned. He knew that glory was his grand object; and that if it was possible for his illustrious shade to look down upon earth and see what was passing here below, he would be better pleased at the tribute which his country was about to pay his memory at his funeral, than at any provision which might be made for his children. Avarice had never been a part of his character; if it had, the motion would have been unnecessary: he had had it in his power to gratify to the utmost extent, both ambition and avarice; but he was superior to such considerations; and all selfish thoughts were buried in the pursuit of his country's glory, which was intimately connected with his own. He was possessed of the happy talent of transfusing his own zeal into the souls of all those who were to have a share in carrying his projects into execution; and it was a matter well known to many officers then in the House, that no man ever went into the earl's closet, who did not feel himself, if possible, braver at his return than when he went in. He begged to say a few words relative to the pension which the King had been pleased to bestow on the earl. It was rated at 3,000*l.* a year; but he believed it to be only nominally so much, as he had reason to think that not more than 2,200*l.* were annually received. He stated the debts which affected the estate of the earl to be very considerable; and the income of the young lord to be consequently small. He drew a comparison between the rewards bestowed on the duke of Marlborough, and those given to the earl of Chatham. The former, after his first campaign, was honoured by his royal mistress with the ducal coronet, and had 5,000*l.* a year, clear money, settled on him, payable out of the Post-office. When in 1706 he had gained the famous battle of Blenheim, the manors of Woodstock and Wotton were granted to him, and a palace was built for him at the queen's expence. When he lost his only son the marquis of Blandford, the queen caused an act of parliament to pass to settle the family titles on his heirs female and their heirs, in order to secure to his posterity the 5,000*l.* a year payable to the title, which the Marlborough family enjoy to this day. These were the princely rewards which that great officer had received for his signal services in the field; whilst a paltry nominal 3,000*l.* a year was the only substantial one which lord Chatham had received; and yet, who would say that England was less indebted to Chatham than to Marlborough? Upon the whole, he felt himself carried by every consideration which could weigh with a just, grateful, and generous mind, not only to second the motion, but to wish most ardently, that the debts affecting the estate might be discharged by the nation.

The motion was carried *nem. con.*

May 20. Lord North presented the following Message from his Majesty:

"GEORGE *R.*

"His Majesty having taken into his consideration the Address of this House, that he will be graciously pleased to bestow some signal and lasting mark of his royal favour on the family of the late William Pitt, earl of Chatham; and being desirous to comply as speedily as possible with the request of his faithful Commons; has given directions for the granting to the present earl of Chatham, and to the heirs of the body of the late William Pitt to whom the earldom of Chatham shall descend, an annuity of 4,000*l.* per annum, out of the Civl List revenue: but his Majesty, not having it in his power to extend the effect of the said grant beyond the term of his own life, recommends it to the House, to consider of a proper method of extending, securing, and annexing, the same to the earldom of Chatham, in such manner as shall be thought most effectual for the benefit of the family of the said William Pitt, earl of Chatham."

May 21. The House being in a Com-

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mittee on the King's Message, Mr. T. Townshend moved, "That the annual sum of 4,000*l.* be granted to his Majesty, out of the Aggregate Fund, to commence from the 5th of July 1778, and be settled in the most beneficial manner upon the present earl of Chatham, and the heirs of the body of the late William Pitt to whom the earldom of Chatham shall descend." The Resolution was agreed to, without opposition: and a Bill was ordered to be brought in thereon; which passed the Commons without debate.

The following Petition was presented by one of the Sheriffs of London:

"To the Honourable the House of Commons, in Parliament assembled.

"The humble Petition of the City of London, in Common-council assembled.

"Sheweth, That your petitioners humbly beg leave to return their grateful thanks to this honourable House for the noble and generous testimony which it has borne to the services and merits of the late W. Pitt, earl of Chatham.

"And your petitioners, with all humility, desire that their zeal may not seem unpleasing to this honourable House, or be interpreted as a wish in your petitioners to vary from the general sense of their country, as expressed in the late votes of this honourable House, by their requesting that the remains of the earl of Chatham be deposited in the cathedral church of St. Paul, in the city of London.

"Your petitioners farther represent to this honourable House, that they entirely feel the delicacy of their situation, in consequence of the several measures taken by this honourable House, but hope that a favourable interpretation will be put upon any particular marks of gratitude and veneration which the first commercial city in the empire is earnest to express towards the statesman, whose vigour and counsels had so much contributed to the protection and extension of its commerce. By order of the court, Rix."

Mr. *Dunning* expressed his approbation of the stile and purport of the Petition. He said the cathedral of the metropolis was a very proper place for depositing the remains of a man who had raised the commerce of the city to an envied pitch of greatness, by disabling those powers who wished to crush it. If the prayer of the citizens should be granted, he would, either this session or the next, move that the monument voted to be erected, should be raised in St. Paul's.

Mr. *Rigby* said, he was not in a humour to pay such a compliment to the corporation of London, as to separate the body from the monument, which according to the vote of the House, was to be erected in Westminster Abbey. He would boldly speak his sentiments of the corporation, notwithstanding the looks of gentlemen near him, who seemed displeased with his opinion. The common council had made free with both Houses of Parliament; and he thought he had as good a right to make free with them. His respect for the corporation of London had ceased, when it ceased to be governed by the most opulent and respectable characters in it: the common council he understood intended to assist at the funeral; he was not inclined to indulge them in their wish to parade; it was contrary to the sense of both Houses of Parliament; in one of which the motion for attendance had been withdrawn; and in the other rejected. When the motion for a funeral was made at a late hour, and in a thin House when gentlemen were rather unaware of it, he expressed his disapprobation of it as an empty honour; and suggested the idea of a monument as a lasting homage to the memory of lord Chatham; and as the body of his lordship had already been brought into the neighbourhood of the Abbey, and the monument was to be raised there, he thought it most proper that the remains and monument should be in the same place.

Mr. *Dunning* replied, that he saw no impropriety in depositing the corpse in one church, and raising a monument in another. If the family of the late lord had thought proper to bury him at Hayes, or Burton Pynsent, he did not imagine that the right hon. member would have had any objection to erecting the monument in Westminster-abbey.

Mr. *T. Townshend* said that the petition was the most polite, the most respectful, and perhaps the best written that had ever been laid before that House. He knew from the very lords who had composed the majority who voted against the motion for the attendance of the upper House at the funeral, that they did at the time wish for nothing more than an unanimous assent to the motion; they had told him that such was really their wish; and that they had opposed it merely from a regard for the memory of the deceased

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lord, that might receive an injury in the public opinion, if after an order of the House a few peers only should attend as a House, which must have been the case at this season of the year, when the major part of them would be in the country.

Col. *Barré* said the House had not been taken unawares when the motion was made for lord Chatham's interment at the public expence: the melancholy event which had brought on that motion was previously known by the House. The funeral pomp which the right hon. gentleman affected to call an empty vain parade, would be productive of a salutary effect, as it would shew the enemies of this country that the national spirit, in some measure created and always cherished by lord Chatham, was not extinct, but might still make the country victorious over all her foes. The astonishing disinterestedness of the man required every mark of grateful remembrance which a generous people could bestow; though he had passed through the highest employments of the empire, though he had enjoyed the most lucrative places of the nation, though he had been in possession of the secrets of the state, still he had had virtue enough to prefer the public good to his own personal interest, and delivered up the posts he had filled with clean hands, and retired to the embraces of a pinching, but to him a glorious poverty. When the right hon. gentleman should have resigned all his places, after displaying as much disinterestedness while he possessed them as the noble earl, whose virtues were then the theme of panegyric, he himself would move for similar honours to be paid to his memory. At this critical situation of affairs, it was to the last degree impolitic to hold forth any language to the public which might tend to destroy that unanimity which was at this juncture the only stay, the only hope, of our political salvation. To say that the poor, the low, the contemptible, were at the head of affairs, could not but give disgust to those respectable characters, in whose hands the government of the city now is.

Mr. *Rigby* said, at the same time that he did not wish that sentiments which were none of his should go out under his name into the world, declared himself undaunted, though such a formidable phalanx was drawn up against him: he denied that he had insinuated, that the government of the city was in the hands of the low, the poor, and the contemptible: he was not afraid to repeat what he had said; it was, that the government of the corporation was in the hands of improper persons; that is to say, in the hands of country gentlemen, when it should be in those of traders: the aldermen were now not traders but politicians: he had in his eye a very worthy gentleman, of very great landed property in the country, who from that very circumstance he pronounced to be unfit for the office of an alderman, though in every other respect an amiable character: numbers of others he could point out in the same predicament, who, however respectable by their birth, connections and fortune, were not, in his opinion, the less disqualified for a magistracy in the city. When he had expressed his disapprobation of a public funeral for lord Chatham, he was far from having the least disrespect for his memory: he would allow with every gentleman, that he had the cleanest of hands, the clearest of heads, the most upright of intentions, and the most honest of hearts; but he was still of opinion that a monument would be a more lasting honour than a funeral; and that the liberal manner in which the House had that day provided for his descendants, would be a more distinguished mark of national regard than the most pompous funeral rites could possibly be. As to the seeming charge brought against himself by the great encomiums nationally paid to the memory of lord Chatham for having retired with clean hands, he was unconscious of having deserved the insinuation: the possession of the secrets of state alluded, he supposed, to Change-alley; he was not afraid to say, that he bid defiance to any man who could bring a charge against him of having had any dealings in the Alley; or having purchased a single guinea's worth in the stocks ever since he became paymaster-general: if any man could accuse him of any thing unbecoming his public character in the discharge of his office, he desired him to stand forth, and if he could prove his accusation, he would most willingly resign his office: but he was sure no such charge could be made against him; and however disagreeable it was to his delicacy to pronounce his own panegyric, yet, bold from conscious innocence, he would not hesitate to say, that he possessed as honest and upright a heart, and had as clean hands as any man who heard him.

Mr. *Burke* joined with those who wished that lord Chatham's remains might be

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buried in St. Paul's: that spacious cathedral was particularly calculated for monuments; it was now a mere desart, while Westminster-abbey was over crowded. He dwelt much upon the virtues of the noble lord; and though he knew that there had been some shades in his character, for it was in some degree impossible to be in nature a great character without faults, yet they were so brightened by the resplendent glory of his virtues, that they were to him now, since his death, perfectly invisible. He did not agree with the right hon. gentleman that politicians were unfit for the government of the city: the city politicians had before now saved the city; and it was to the firmness of their politics that the House owed their existence; that a sheriff, a privilege singular in its kind, could appear at their bar; or indeed that there had been any parliamentary bar for them to appear at. The petition, he declared, was worded in a manner which did the composers of it no less honour for the patriotic and respectful sentiments it breathed, than for the elegance and beauty of the stile in which it was written. As to the place of the earl's interment, he hoped the House would not interfere, and rob his family of a right of which it were a species of sacrilege to deprive them—that of depositing where they should think fit the remains of this great ancestor, the pride and boast of their family, and the source of future emulation to glorious deeds, such as his example might prompt them to.

The Petition was ordered to lie on the table.

May 26. The House agreed to present another Address to the King, requesting his Majesty to give orders, that 20,000*l.* be issued, for the payment of the debts of the late earl of Chatham; and to assure his Majesty, that the House would make good the same. The request was complied with.

Debate in the Lords on the Chatham Annuity Bill.] May 13. The earl of Shelburne, after a short preface, moved, That the House do attend the funeral of the late William earl of Chatham, whatever day his Majesty shall appoint. Lord Dudley moved, that the debate be adjourned till to-morrow, and the question being put, the Contents were 16, Non-contents, 15. The main question put by lord Shelburne being now put, the Contents were 16, Non-contents 16; and proxies being called for, the proxies for the original motion were 8, against it 4; so that the numbers for the attendance of the House of Lords on the funeral of William earl of Chatham, were 19, Non-contents 20, proxies included.

June 2. The order of the day being read for the third reading of the Bill, intitled, "An Act for settling and securing a certain annuity on the earl of Chatham, and the heirs of the body of the late William Pitt earl of Chatham, to whom the earldom of Chatham shall descend, in consideration of the eminent services performed by the said late earl to his Majesty and the public,"

The Duke of *Chandos* said, he was compelled, by his duty as a member of that House, and from a regard to his country, to oppose the passing of the Bill. His objection would not be direct against the principle of providing for the family of the deceased earl, but against the duration of the provision. The ground of objection was, the inability of this country to increase the additional burthens under which it now laboured; the immense national debt; the great interest paid to the public annuitants; the prospect, nay almost certainty, of a foreign war; all these furnished the strongest incentive to public economy. This was not a time to scatter the national treasure with a profuse or careless hand. If the Bill had made a provision for the present noble earl and his descendants, he should not, probably, have opposed it; but it was framed so as to give the family a perpetuity of 4,000*l.* per ann. Grants in perpetuity were taxes in perpetuity on the subject, and ought, therefore, to be cautiously and rarely ratified by parliament. The people were already taxed very heavily, and, from the present situation of public affairs, the exigencies of the state might make it necessary to impose additional burthens; on which special consideration, it behoved their lordships, as the guardians of the state and nation, to permit no new tax to be imposed, unless warranted by evident necessity.

He disapproved of the Bill on another account, that of precedent; as it would open a door for applications of a similar nature, from men in high stations; from men greedy of emolument, who would be ready at all times not to rate their services at their true value, or their rewards according to the abilities of the state, but to

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their own inordinate desires, and the means of gratifying them; or, having the art of rendering themselves popular, without perhaps a tythe of the deceased earl's merit, might, in an unguarded moment, procure similar grants, till the load of taxes so created would become insupportable. His grace said, that if the rule of rewarding men in perpetuity was to prevail, without disparaging the services of the deceased earl, there would be found several persons now living of equal pretensions. He could name more than one man in that House—one of them, a noble lord, by whose valour and skill in his profession, it was probable, their lordships were in a capacity to deliberate and attend on the present occasion (lord Hawke.) The commander of our forces, during the late war in Germany, had, besides, performed very signal services for this country; yet neither of those gallant commanders had annuities settled upon them in perpetuity. He was not averse to the principles of the Bill, and only objected to the manner and the time, the granting a perpetual rent charge on the eve of a bloody and expensive war: the first was an objection he would not give up; and if a perpetuity was insisted on, he should feel himself obliged to give the Bill a direct negative, If, therefore, the present Bill should pass, the public finances must be loaded with additional burthens, which it was by no means in a state to support; or injustice must be done to those of equal merit, but not so high in parliamentary favour. If, indeed, the recommendation had originated with the sovereign, it would have come properly, because it might be properly restrained. By this reservation, his Majesty would have it his power to reward proper objects, and keep the only precedent existing, that of the great duke of Marlborough, within its proper limitations. His grace made several other observations, all which went substantially to the following several points: to put a negative to the Bill, for he proposed no amendment; to suggest the impropriety of making it perpetual, while his arguments were against the Bill entirely: to shew that the nation was not equal to make it perpetual, while he seemed to wish that the provision might be made as long as the title of Chatham continued in the descendants of the living earl; to assert, that lords Hawke, Amherst, prince Ferdinand of Brunswick, and some others, had performed as great services for this country as the late earl of Chatham; that the King on the throne, for the time being, was the best, or rather only judge, of the deserts of the servants of the public: and to hint to parliament, that the Bill was far from being an acceptable present at the Queen's house.

The Earl of *Abingdon*. I rise, my lords, to express my concern for the opposition that has been given to this Bill: an opposition not only ill-founded in itself, but, I fear, is not much to the honour of this House. I say, my lords, that this opposition is ill-founded; for after the Commons, who are the purse-keepers of the nation, have thought fit unanimously to apply the public money to this service, opposition on this ground comes with a very ill grace from us. But what is the reason given for the opposition? It is said, that the nation is overloaded with debt, and cannot bear the expence. Indeed, my lords, this is a weighty reason, if it were better applied. Look into the papers now upon your table, you will there find millions that have been squandered away. Look into your Journals, and you will find those very squanderers protected, by the dead majorities of this House, even from censure. And, shall we turn our eyes from a vicious profusion, and look with economy upon a virtuous application of the public money? No, my lords, let us not by such a contrast of conduct, expose ourselves to so much censure. Sorry am I to find a greater spirit of liberality among the Commons than is to be found among the Lords: that what the Commons have done upon a great scale, we would confine within a lesser circle; although, too, my lords, the object of their bounty is one of the members of our own body. I trust, therefore, that this motion will be withdrawn; that it may not be said, that whilst we are giving pensions, titles, and preferments to those who deserve the axe or the halter, we are withholding the reward of services from others, who have a claim upon the public to it.

The Duke of *Richmond* agreed with the noble earl entirely on his ideas respecting public economy. He was perfectly satisfied there never was a time when enquiries into the expenditure of public money was become more necessary; because there never was a period at which public profusion was so much countenanced; nor at which this country called for a more strict frugality. He thought, however, that at the conclusion of a session was no proper time to set about a reformation. Several endeavours had been made relative to this

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subject, but they were all strangled in their birth, by the previous question. If the noble duke was nevertheless serious in his opinions, and meant to abolish sinecure places; to strike off additional salaries, &c. he was very willing to co-operate in that business with him, and to give him every assistance in his power; but not on the present occasion, when their lordships were debating upon making a provision for the family of a man who had rendered such signal services to this nation. Such instances of national gratitude were necessary; and though he did not coincide in opinion, at all times, with the deceased earl, he could not but consider him as a great man, and a public character, whose services were well deserving that tribute to his memory, the present Bill was about to pay. He perfectly agreed with the noble earl, who spoke last, that the present set of ministers rather merited the axe or halter, than the honours and rewards which had been so profusely lavished upon them; and yet, what they possessed already was not deemed sufficient: for one of them (lord North) he understood, was shortly to be appointed to a sinecure place of 5,000*l.* a year, that of the Wardenship of the Cinque Ports. Was the noble duke, who opposed the Bill, serious? If he was, why not promote an enquiry into sinecure places, and thereby render an essential piece of service to his country, by endeavouring to procure a total abolition of them? This would shew, that the noble duke did not mean to use the argument of public economy and public inability, only one way; that his opposition was to things, not persons; that he was solely actuated by public motives, not private considerations: in short, to testify, that as he knew what faction was capable of doing, he was resolved to prevent its effects, without any regard to persons or parties.

The *Lord Chancellor* opposed the principle as well as provisions of the Bill; and did not approve of making it either a temporary or perpetual provision. He did not wish to take off from the services of the deceased earl; they had been fully acknowledged by his sovereign, and amply provided for. The noble earl, when he first retired from office, had a pension of 3,000*l.* per annum settled on him during his own life, and that of his lady and eldest son: a provision, let him be permitted to say, fully equal to the services performed by the deceased earl. In a few years afterwards, his lordship received a further mark of his sovereign's bounty, by being called into a very high post, attended with great emoluments [Lord Privy Seal], when it was well known that his lordship's extreme bad state of health rendered him very incapable of assisting in his Majesty's councils. Those, he contended, were fully adequate to his services. The only precedent was that of the duke of Marlborough. The duke's abilities as a statesman and a general were conspicuous. He was appointed ambassador to negociate and settle the terms of the Grand Alliance, which, in its progress, afterwards broke the power of France, and set limits to the ambition of Louis 14. Yet when, by his great talents for negociation, he had effected so desirable an event, as bringing Holland and the German powers into the alliance, the queen having settled 5,000*l.* per annum during her own life, sent a message to the Commons to make it perpetual. After a full consideration of the message, the Commons refused to comply; and it was not till four years afterwards, after repeated victories, and rendering his name celebrated in all parts of Europe, and a terror to France, that parliament made the queen's grant perpetual. None of their lordships had a fuller sense of the services of the deceased earl than he had; but he presumed to say, that the precedent of the conduct of parliament, respecting the duke of Marlborough, was a good ground on the present occasion, against establishing a new precedent, which might, in times to come, be productive of great inconvenience, and mischief. But though every other objection against the Bill were done away, the time was totally improper, for several reasons. He heartily agreed, that this was not a proper time to be lavish of the public money, when we had the most urgent calls for it; when the strictest œconomy ought to be observed throughout every department of the state; and that so great a sum as 4,000*l.* per ann. was to be given, not to the person who had performed the services, but to his family, and that at the end of 16 years. This with me, said his lordship, is a circumstance which operates most powerfully against the Bill; why not make this provision in his life-time? The truth is, such an expectation did not exist; nor, were it made, would it probably have succeeded: the answer would have been, The noble lord is already provided for; he has acknowledged his being contented with what his sovereign has al-

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ready done for him; and, since that period, except in the instance alluded to, he has not been in a situation to serve his country, nor, of course, to seek further reward, on the ground of subsequent merit.—He said he never could agree, that the Lords, by either amending or rejecting a money Bill, thereby invaded the province of the other House; for he was satisfied, that their lordships were as much trustees for the people, as the Commons: they were, besides, either individually, or collectively, materially interested, both as contributors and as a legislative body. He did not see on what foundation their lordships could with justice pass the present Bill, while a brave admiral, one of their own body (lord Hawke) whose naval services could not be too highly extolled; and a most able officer at the head of the army last war (prince Ferdinand) went unnoticed and unrewarded, in the manner now proposed. As to the plea, that the Commons had passed the Bill, and that his Majesty assented, he wished their lordships to consider, that the matter was first agitated in the other House, of a sudden and at midnight; that the address to the King was of course moved hastily, and as hastily carried. His Majesty, thus applied to, was in a great measure obliged to comply. He spoke likewise very strongly against the mode in which the matter originated. He insisted, it was out of the natural course; it ought to have come from the crown alone; and that circumstance weighed sufficiently with him to reject the Bill.—Before he concluded, he declared, he saw no reason for the nation to despond because the earl of Chatham was no more. There still remained as firm well-wishers to their country, and as capable of doing it essential service, as the noble earl. Whenever danger threatened, Englishmen naturally felt a proper spirit to defend their country, and attack their enemies. That spirit was now shewing itself in every corner of the island.

Lord *Camden* said, he was sorry to hear any comparisons made between the services of the noble earl and those of any other eminent characters, either living or dead. The noble duke who spoke first, and the learned lord on the woolsack, had both held forth in the highest strains of panegyric on the memory of the late duke of Marlborough; and very deservedly. They had dwelt on the scenes of his victories, and in their zeal seemed to forget those of the deceased earl; but if they wanted to be reminded of them, he could tell their lordships, from the extremest east, where the sun rose, to the setting of that glorious luminary in the western horizon; in every quarter of the globe to the earth's remotest bounds, where the arms of Britain were borne triumphant; where operations by sea or land were invariably accompanied by conquest, by reputation, extension of commerce, and all the advantages and glories united, which have at former periods been separately the effects of successful war, or of the enjoyment of the blessings of peace; the East Indies, Africa, the West Indies, North America, the coast and territories of our enemies in Europe; all bear testimony to the services of the noble earl, whose merit had been endeavoured that day to be thrown so much into the shade. His lordship was proceeding with great energy, when he was interrupted from the woolsack. the Lord Chancellor moving to have the Commons' Journals of 1702 and 1706 read, in proof of his assertions, respecting the conduct of parliament towards the duke of Marlborough confirmed. This interruption was looked upon as disorderly by the House; and the noble lord was desired to proceed in his speech.

His lordship observed, that according to what had been thrown out by the noble duke who spoke first, the alteration proposed by his grace would operate as an entail, and could not go further than the son of the present noble earl; he wished therefore to know from his grace, whether that was what he meant? [Told it was.] His lordship then went on. On the first ground, that of inability; he said the annuity was made chargeable on the Aggregate Fund, which could continue no longer than this country remained in a state of prosperity, it being the residue of the produce of all the taxes, after the interest was paid to the public creditors. While, therefore, that fund, that depended on the sources of wealth and commerce, which the noble earl had been so successful in promoting and extending, continued to have a residue after discharging the prior demands on it; the inability of paying the annuity could not exist. If ever that fatal period should arrive, when the fund was unequal, then most certainly the provision must cease, and the descendants of the noble earl suffer in the general wreck and ruin of their country.

The learned lord who spoke last, had laid the chief stress of his argument, upon

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the noble earl's being fully rewarded for his services, and the impropriety of doing that at the end of 16 years, which should have been done in his life-time; and presuming on that ground, that his sovereign, as well as the nation, looked upon it that he had made a provision for the deceased earl, fully adequate to his services. I will tell the noble and learned lord what came within my own knowledge, which will be a complete answer to every suggestion of this kind. When I had the honour of occupying a very high post in the same administration with the deceased earl, his state of health was indifferent, and his life thought to be in danger. Soon after his recovery, I had the honour of an interview with his Majesty; and the conversation turning on the illness of the earl of Chatham—I shall never forget the words, nor the gracious manner in which they were delivered: "If he had died," said his Majesty, "I should have looked upon myself bound to make a provision for his family."

His lordship made use of several reasons, to shew that the affair of the duke of Marlborough was very dissimilar in a variety of respects, and that no one particular properly applied as to the two cases, but the acknowledged merits of the noble duke and the deceased earl. He observed, that much had been said on the danger of establishing precedents. There were but two, should the present Bill pass, since the Conquest. He wished there were more; and he was sure there never was a fitter time, when encouragements ought to be held out, to stimulate men to great and glorious actions, than the present. He would, besides, wish their lordships to recollect, that the deceased earl received his death blow in the service of his country; he received it in that House, whilst he was endeavouring to assist in warding off the danger which threatened Great Britain. He was sorry to behold the present opposition, because it betrayed symptoms which portended no good, and looked as if the seeds of envy were not exterminated. He was in hopes, envy would have died with the noble earl, and have slept with him in his grave.

The noble and learned lord had said, that the Bill originated at midnight, and that the King was in some measure obliged to comply with the request in the Address voted by the other House; he had it in his power to set the noble lord right, and to contradict the assertion. The Bill was not brought in on a sudden, nor was the House taken by surprize. On the contrary, some days elapsed, and notice was previously given, not by an address at midnight, but in open day, that such a Bill was intended to be brought in, and the motion was carried *nem. con.* both in respect of the vote for paying the noble earl's debts, and for settling an annuity on his family. And as to the real sentiments of his Majesty, he had already given an indisputable proof of what they were, though allusions of a contrary tendency had been thrown out; a declaration within his own positive knowledge, and which endeared his Majesty to him more than ever. It made him love and admire him as a benevolent prince, as really the king and father of his people; and every way worthy of a dominion over their affections, as well as their persons.

Admiral Hawke and prince Ferdinand of Brunswick had been alluded to by the learned lord, as having essentially served this country; most certainly they had, and undoubtedly their merit as professional men was unquestionable; but to whom ought it to be ultimately ascribed? To the earl of Chatham; the one was his admiral, the other his general. The battles they fought were battles of his planning; and so far from their individual merits lessening that of the deceased earl, or diminishing the value of his services, they went directly to increase and enhance both.

The noble duke who rose first, pointed out the necessity of introducing economy into the state; the noble duke's argument was unanswerable in point of principle, and the spirit of it was pursued in the present Bill. True economy, both respecting the public and individuals, which required the same measure, was to spare, not waste. It consisted in a fitness of expence; in a proper liberality, guarded by a becoming prudence and frugality. The times called for the exertion of the first rate abilities in the public service. Such a mark of national attention as the present Bill manifested, would encourage able men to step forward, and do their utmost to merit and gain the applause of their country. Narrow notions of interest, fear of leaving their families unprovided for, and such sort of ideas, which swayed men's minds and prevented them from venturing forth, would be done away, in consequence of parliament's affording a proof, that the nation considered itself as the guardian of the families of those who had essentially served it, when they were no more. His

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lordship concluded with an high eulogium on the many public and private virtues of the deceased earl; and it was with difficulty we could determine, whether he acquitted himself best as a sound reasoner, an affectionate and warm friend, or an able advocate.

Lord *Ravensworth* spoke against the Bill. He said, if the noble earl had fully merited such favours, why had not his friends generously moved for them in his life-time, that he might have enjoyed them? The nation, allowing it owed a great deal to the deceased earl, was not indebted to his family. He came into parliament with him, upwards of 40 years since, and was acquainted with him when in the possession of all his powers of oratory. He was ready to confess his great abilities as a public speaker, and though he could not deny that they convinced the majority, both without and within doors, they had never convinced him that he was properly qualified as a statesman to direct the affairs of this country. He had always considered the deceased earl's talents, and that daring spirit of enterprize, on which his reputation was chiefly built, as a very great misfortune to this country. Even the successes of our arms under his direction of the state machine, were not sufficient to alter his opinion. He considered those successes as ruinous, and he could not but still think, that the enormous debt incurred during his lordship's administration, led us into those difficulties which were the true cause of our present perilous situation. In fine, they came into parliament together, and sat in the other House for 14 years, and he was persuaded, that it would have been happy for this country, if the deceased earl had never aspired to a public station; for though not the immediate, he was the mediate cause of all our subsequent misfortunes.

The Earl of *Radnor* defended the Bill upon one of the grounds on which the last noble lord stated his chief objection, which was, that the noble earl was no more, to whose memory the annuity was a grateful tribute. The noble lord, he observed, said, he should not have objected had the noble earl been living; but that was an essential difference in the case now. In his opinion, the argument made directly the other way; for however reluctant he might be to heap honours and emoluments on the living, especially at a time when the example of gratitude could not from the nature of things operate, either to the injury of the constitution or the state, but on the contrary, might materially serve the latter without violating the former. There was this difference between the present case and that of the duke of Marlborough, which prevented them from being considered as ultimately tending to the same effect. When the queen's message, in 1702, was delivered to the Commons, the earl of Marlborough had been then just created a duke, and he was in a great degree of personal favour with his sovereign, and in possession of high posts and emoluments. Parliament were perfectly defensible in acting with suitable caution. At present there could be no danger of establishing a bad custom; because parliament had their eyes open, and would at all times be able to see where pretences were only created, or where the claim was sufficiently well founded to confer a similar favour. His lordship acknowledged the infinite obligations of this country to the deceased earl. He only recollected one instance in his public conduct which tended to lessen those obligations, and that was a few years since, when his lordship, in the character of minister, set up the authority of a proclamation over that of an act of parliament. That glaring error, he confessed, he never could forgive; but when he said so, he meant merely as a public man, for notwithstanding any weight he might lay upon this circumstance, the services of the deceased earl were sufficiently important and conspicuous to warrant the passing of the present Bill; and he could not but wonder at the opposition given to it on the score of œconomy; for let the noble duke but turn his attention or recollection to the snug and lucrative sinecures enjoyed by some lords living, whose ancestors had taken advantage of their situation as ministers, and he would find, that two or three of their sinecures would purchase the fee simple of the paltry 4,000*l.* per annum, about which his grace has said so much. His lordship apologized to the House for having given it so much trouble, and in so unprepared, indigested a manner; declaring, that he had delivered his sentiments merely as they arose in his mind since his entering the House; and he felt it incumbent upon him to say thus much for two reasons; first, because he thought the Bill in point of retrospect, extremely proper as an act of national gratitude towards the memory of a faithful and able servant, and no less necessary at this cri-

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tical season, as an encouragement to the exertion of abilities in the public service. His lordship added, with some degree of energy, that if the Bill should meet with an opposition, sufficient to defeat its real objects, or that it should happen to be totally rejected, he would enter a protest on their lordships' Journals, in which the main reasons, those of precedent and œconomy, so forcibly urged by the noble duke, should be stated; a motive which, if it should prevail in this instance, would, he believed, be neglected in every other.

Lord *Lyttelton* rose, he said, to set the noble lord right respecting the error he had imputed to the deceased earl, an error which had never happened in the manner his lordship had stated. So far from lord Chatham attempting to defend the proclamation, he had offered to answer for it with his life, and pleaded in excuse the dire necessity which occasioned it. This was the true state of that matter; and if his recollection did not mislead him, he heard the deceased earl make use of the strong expression, of being willing to expiate by his head, if the parliament did not think that the particular necessity was an ample justification. He was, it was true, but a boy at the time, but he could not forget the desponding state the nation was in, and the unsuccessful efforts which had been made in order to remove it; he recollected, that lord Chatham, then Mr. Pitt, was at the time but little known but as a public speaker; yet by the mere force of his abilities, accompanied by an almost unparalleled integrity, he at once broke the parties which would have held him back from participating in the public counsels, and soon united all ranks of people; restoring at the same time energy to government, and destroying, or at least silencing faction, by which means affairs soon took a favourable turn; in so much, that victory was soon brought to our side, till at length our enemies were abashed, the national spirit rouzed, our prowess acknowledged and felt, and our glory established in every quarter of the globe; those powers who had in the outset assured themselves of success, having been obliged to sue with the most abject and mortifying humility for peace. These were facts well known, not only to their lordships, but to all the world; they were matter of historical record, being of that degree of credibility, as indeed not to admit of, or at least, call for any species of proof.

He said, he was far from contending, that the deceased earl was infallible; that his opinions were always well founded, or his parliamentary declarations always consonant and justifiable. He had more than once himself, weak and inferior as he confessedly was in point of oratory to the deceased earl, opposed his arguments in that House. He was convinced the late earl had held out erroneous doctrines occasionally, but he could not therefore agree that his services to his country did not merit what the present Bill proposed. The noble earl, whose memory the nation were unanimous in honouring, to an extraordinary vigour of mind, added a most sovereign contempt of money; he had gone through offices which generally served to enrich his predecessors, without deriving a shilling advantage from his situation. When he was paymaster general, a subsidy to the king of Sardinia passed through his hands. The usual perquisite amounted to more than 20,000*l.* The noble earl refused to touch it. The whole sum was found in the bank years afterwards; it was then offered to the earl of Chatham as his right; the earl nobly refused it, and the money was applied to the public service. This act alone was sufficient to mark the noble-mindedness of the earl's character, and to recommend him to the favour of all who were capable of admiring what was great and superior to the common conduct of mankind. A great deal had been said about precedent, and the ill example the passing of the Bill would create. Good God! was this country so desperately reduced, so totally lost to its ancient spirit, that it was no longer capable of rewarding the services of its best subjects? Were the minds of lords so depraved, that they were ready to confess they trembled at granting an annuity of 4,000*l.* to a family, the father of which had restored the empire from the most abject and wretched condition, to a state of eminence, to a state of the most exalted honour and glory! Let noble lords turn to the history of Greece, let them recollect the conduct of the Athenians respecting Aristides. Years after that patriot was no more, it was discovered that his widow and family were in distress; the state assembled, and in gratitude to the memory of Aristides, who had essentially served his country, made a noble provision for his family. Was the British empire less grateful than Athens? or was she less capable of doing justice to merit than that petty state?

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He hoped no noble lord would impute what he had offered as arising from blind zeal, or any improper predilection, for all he meant was no more than this; that when the noble earl's services were fairly estimated and balanced against whatever might by his strongest opponents be objected to his conduct, he doubted not, but justice and public gratitude would unite in preponderating the scale in favour of the Bill. He hoped the noble lords who had opposed the Bill, would re-consider the foundation of it, and if they did not find it agreeable to them to vote for it, would at least suffer it to be carried without a division, and without a negative.

The Earl of *Radnor* said, he always understood the matter of the proclamation to be otherwise. He did not pretend to contradict the facts now stated; but he should ever think, that a proclamation was not sufficiently valid to supersede an act of parliament; and be the urgency ever so pressing, it was, in his opinion, establishing a very pernicious precedent; notwithstanding therefore what the noble lord had said, the impression on his mind was not removed.

Lord *Camden* rose to explain this business relative to the proclamation. He began by confessing, that he was principally concerned in issuing the proclamation, and if there was any blame due, it was rather merited by him than his deceased friend. The fact was, the harvest had failed throughout Europe; there being a short crop, and a rapid exportation, there was the strongest reason to apprehend, that the consequence would be a famine within the kingdom. A council was immediately called, as without some speedy remedy, a dearth was looked upon to be inevitable: for no parliament was then sitting or likely to sit for forty days. It was debated in council what was the wisest step to take, and it was resolved to issue a proclamation, laying an embargo on the shipping, and preventing any corn from being exported. That measure was pursued from an idea that the day could never come, when parliament would seriously censure the only line of conduct possible to be adopted, in order to save the nation from being starved. He had, he declared, at the time consulted that great philosopher and politician Mr. Locke; whose Treatise on Government was one of the wisest books ever published; he did not know a single line of that work which he would not most willingly subscribe to. Mr. Locke spoke clearly and fully upon the point. Ministers always act at their peril; they must, in cases of great emergency, take such steps as the exigency of affairs required, without hesitating as to the strict legality of their measures: and they must afterwards stand the judgment of parliament, and abide by the censure and applause of the legislative branches of the state. I looked upon it, said his lordship, to be such a case of necessity, as that stated by that truly great man, which justifies the interposition of the prerogative, between the laws and the people; a right to preserve, not to enslave or destroy; a right, I shall ever maintain the constitutional exercise of; and the abuse of which, I shall ever be as anxious to resist and punish: in short, I believed the safety of the state to be at stake. I advised its salvation, and can never be persuaded, when I did so, that I was committing a crime. Having the honour to be then in a very high post, (lord chancellor) I was more particularly consulted; and if it was an error, I was solely to blame. As soon as parliament met, an indemnity was proposed; for my part, I was against it; because I thought it unnecessary. I was then persuaded, I acted right; nor have I had since any reason to retract my first opinion. His lordship owned that his defence on the occasion was a bold one; he had declared the issuing the proclamation was a strictly justifiable act of prerogative, an act of prerogative not only warranted by particular necessity, but supported upon general principles. Bold as his defence was, he was still willing to maintain it; and he assured the noble earl the fact was strictly as he had stated it; and in order to set him further right, respecting the conduct of the deceased noble earl, he assured him, he had been misinformed; for he well recollected, in the course of the debate, when his lordship was pressed for his opinion, his answer was, "If I must speak, I think the proclamation was illegal." His lordship renewed his argument in support of the present Bill; and after a variety of praises of the deceased earl, spoke particularly of the noble contempt of money for which he had been remarkable. His family had suffered by it materially; and latterly, the noble earl had, in consequence of that contempt, been almost left without a servant to attend his person. And so far was his pension from being an ample provision, it was little better than a clear

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2000*l.* per ann. His lordship went more at large into the affair of the earl of Chatham's refusal of the office-perquisites upon the subsidy, than lord Lyttelton, and declared that when the earl, in Mr. Charles Townshend's chancellorship of the exchequer, refused to take it, he was scarcely master of a thousand pounds.

The Duke of *Richmond* begged leave to differ from the two noble lords who spoke last, in respect to the conduct of the deceased earl, concerning the embargo laid on the exportation of corn, contrary to the express orders of an act of parliament. The conduct of the learned lord (Camden) was precisely as he stated it; but that of the deceased earl very different; for instead of acknowledging the illegality of the proclamation, he persisted to the last in defending it; and he remembered that as well as the noble and learned lord, who now faithfully stated the transaction, so far as he was concerned himself, he treated a parliamentary indemnification as totally nugatory and unnecessary.

The Earl of *Shelburne* rose, and spoke to the qusstion at large. He said in particular, that no man ever regarded money less than the deceased earl; and ridiculed the argument of the learned lord who spoke first, for supposing that the deceased earl had performed no services for his country, because he was not in actual employment: he said, he continually turned his thoughts to the service of his country, whenever his state of health would permit him; and that he imagined no man who had observed the conduct of public affairs for some years past, would be easily persuaded to believe, that remaining in office was performing any service for his country. As a further proof of the generous disposition of the deceased earl, and how much he was above every selfish motive, when put in competition with the good of his country, he assured their lordships, that there was not any one time, from his last resignation to his death, in which he might not have come into power, and that on his own terms. He was courted and adulated by every party and description of men; he resisted them all; and always acted a disinterested and independent part. He despised faction, whether in a court or elsewhere; and always set his face against the narrow prejudices of party. At a time, when this country was in a desponding state; when it was torn by factions, he raised it to the highest pitch of fame and prosperity. He healed those factions, and restored unanimity; and by that means rendered the exertions of the nation irresistible; and he made no doubt if God had prolonged his life, and restored to him his talents, but he would once more have saved the British empire, if called into power. The two noble lords who opposed the Bill, said, that his services had ceased, since he ceased to act in a ministerial capacity; the contrary was well known: at the very instant when the stroke of death overtook him, he was in the act of attempting to save his country from the ruin which he saw impending; and which he feared, if not timely prevented, must involve it in certain destruction. His lordship observed, that the objections to the Bill were supported on two grounds; the danger of the precedent, and the distressed state of the public finances. As to the first, there was nothing more evident, than that the precedent must of necessity prove serviceable to the state; and could be attended with no bad consequence; and as to the second, it fell of course. His lordship then went into the history of the motives which induced the Commons, in queen Anne's time, to refuse making the duke of Marlborough's annuity perpetual, in the first instance, which he attributed to factious motives and Tory principles. Even a Tory majority, in the other House, had now joined in an unanimous vote for the present Bill. Was there a party or description of men, or even an individual in the nation, who had not at some one period applauded his conduct, and courted him? His merits were acknowledged, by every side, in each House; whence, then, could the present opposition originate? If the state of the finances were the real objection, which he much doubted, their situation could not be mended, but by the exertion of such men (if any such there were) and how could their lordships expect that men of abilities would come forward, into difficult situations, to the neglect of their own immediate concerns, while the fate of this Bill, should it receive a negative, would present to them so mortifying a proof of national ingratitude?

He begged leave to assure the noble duke (of Richmond), that however people might differ, as to the propriety of the proclamation, the urgent necessity of the measure was so apparent, that there was not a second opinion in council, when the

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embargo on the exportation of corn was proposed. It was the only expedient left to prevent the people from starving, and if it was a mistaken measure, it was a mistake on the humane side. As to what subsequently passed in parliament on the subject, he could not precisely say; but as well as he could recollect, the deceased earl did not defend the legality of the proclamation, but merely the necessity.

His lordship then entered into several strictures on the conduct and sentiments of the noble duke who opposed the Bill: however insignificant his grace deemed himself, he was a person of singular weight in that House: his voice went a great way, and was heard by some persons with particular attention. He felt it frequently, and more than once was a witness to his moving the previous question in matters of great difficulty to ministers. He remembered, upon a very particular occasion, upon the determination of a matter of property, the noble duke's leaving his learned friend (lord Camden) in a minority, by which means he was sorry to find that the House had now for three years, on most occasions, lost the assistance of the learned lord's abilities, in the decision of learned questions. He was pointedly severe in this part of his speech on the conduct of the noble duke, and the unhappy interference of great court lords on such occasions, who never failed to vote with a majority at their heels; because it would discourage suitors from appealing to the judicature of that House, in the last resort. He would have been much better pleased to see the noble duke exert his great personal influence, in removing the causes of the present distressed state of our finances; in enquiries into the expenditure of public money, than in opposing the only particular instance he recollected, in which a pension or annuity had been properly bestowed. Why did not the noble duke, when the addition to the civil list was granted, move for such an enquiry? would the noble duke move for rescinding that vote, and enter into the enquiry, and on finding what were the real exigencies of the crown, and what would be fairly adequate to supporting it with splendour and dignity, confine the addition to that, and that only? would he move for enquiry into the profits of places and sinecures? If he would, he should most readily assist every one of his endeavours: he would immediately second the motion.—His lordship, after reverting to the necessity of holding out encouragement, by setting examples of national generosity, mentioned the Congress, who, he said, gave daily proofs of this species of policy. After giving them great credit for the wisdom of their proceedings, which, he said, was inferior to none, that ever appeared; observed, that rewarding those who deserved well, was the surest means of being well served. It was a maxim as old as time itself; and he was astonished how any noble lord should so far forget it as to oppose the present Bill.

The Duke of *Chandos* complained of being very uncandidly treated in the course of the debate. He said, he had been accused of voting for a sum of money to pay the King's debts, in this and the last sessions; he certainly had so voted, and were the question again in agitation, he would again give his vote for the addition which had been made to the civil list, because he knew the receipt was not equal to the expenditure. The noble duke, and the noble earl who spoke last had asked, whether he would go into an enquiry relative to the perquisites of placemen; he knew not that the King's servants now had larger emoluments than those who held the same offices before them; until that was proved to be the case, he certainly would not enter upon any such business; and as to the superfluous sinecures, the noble duke and the noble earl knew much better than he did what such sinecures were, as they had been in place; and if they knew that the country was unnecessarily burthened, they were criminal in not endeavouring to lighten the public load. The noble earl had attacked him in a very personal and severe manner, on account of his attending law appeals. He had ever considered it as much his duty, as a peer of England, to attend legal decisions as political debates; but he felt himself shocked to death that the noble earl should charge him, in the face of the public, with having rendered the property of individuals less secure than it otherwise would have been. He had never given a vote respecting law or politics, which had not accorded with his conscience. He could not help expressing his surprize, that any person should quote the conduct of the congress of America as an example for the British parliament. Were there no instances of an opposite nature which could be found in Europe? If there were not, the argument wanted its main support—that of precedent. Having repeated his objec-

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tions to the Bill, the duke declared he had spoken merely as his conscience dictated; that he was as independent as any one member of either House, and had no other bias than his loyalty, and his personal attachment to his sovereign, and his firm persuasion, that the King's servants were men of sound judgment and unimpeached integrity.

The Earl of *Shelburne* declared he had never accused the noble duke of want of ability to determine on law points, he had only talked of his weight and influence with their lordships in opposition to the duke's own declaration of his insignificancy. The noble duke had censured him for citing the Congress: much as he admired the conduct of that assembly, on most occasions, he protested he then cited the example no otherwise than as the example of an enemy; but if the noble duke wanted instances of the spirit of national reward, and national gratitude, nearer home, there was not a part of Europe which did not afford many. Let the noble duke cast his eye upon France; the great system of which government turned upon national rewards. They had not yet done paying honours to marshal Richelieu: and it was but the last year, that a monument had been finished to the memory of marshal Saxe. In a word, there did not exist a wise nation on the face of the globe that did not see the justice and the policy of such conduct.

The Duke of *Richmond* replied to the last noble lord; he said, that the deceased earl was possessed of great virtues and abilities; but he was not infallible. He was in office for several years, had received great emoluments; and, if he quitted office poor, it was a proof of a blameable inattention to his private concerns; or a very imprudent extravagance. The noble earl said, he might have come into office whenever he pleased. It might be so; but his refusal might be easily accounted for; he might fear that his own terms, though seemingly granted, might afterwards be departed from, broken, or explained away. The deceased earl confessed in his place, in that House, that he had been once before duped; perhaps the deceased earl dreaded, although he might seem to have the prescribing his own terms, that he should again run the risk of being duped and deceived. He looked upon the deceased earl to be a man of great abilities; and that his family were intitled to a provision from the public, on account of his services; but independent of those talents and services, he looked upon him to be liable to infirmities in common with the rest of his species. With regard to the low state of the public finances, he little expected to have heard any thing urged on that head by the supporters of administration. Besides, the objection might be done away with the greatest facility, and without furnishing a single pretence for complaint. Let the 4,000*l.* a year to be granted by the present Bill, be taken out of the wardenship of the Cinque Ports, a sinecure of 5,000*l.* per annum, formerly worth no more than 1,500*l.* a year, but swelled to that enormous sum to oblige the old duke of Dorset, and continued so ever since. Or if the minister's merit for losing America was such that he ought not have a less sinecure place than this, let the proposed annuity be deducted from the enormous perquisites of the auditor of the exchequer, a sinecure of 20,000*l.* per annum, for doing nothing, or next to nothing, for signing his name barely about six times a year.

The Earl of *Shelburne* agreed with the noble duke that this was no time for men who had any regard for their characters or peace of mind, to trust themselves into difficult situations; as besides the natural difficulties to be encountered or surmounted, many were to be feared, and few or none to be trusted. With regard to the late earl's having been duped or deceived, the charge was true; but he begged the noble duke to consider, that the earl had made the best atonement, a full and frank confession of his having been so duped and deceived; his lordship added, that few men, if any, were so truly careful and so successfully cautious as not to have been once duped in their life time. He would, for the noble duke, as well as for himself, express an earnest wish, that neither of them might hereafter have occasion to confess, that they had been duped and deceived into office; and that when they should be no more, there might be as good ground for praise, and as little scope for censure, as there was in the case of the late earl of Chatham.

The question was put, and the House divided: Contents 42; Non Contents 11.

Protest against passing the Chatham Annuity Bill.] The following Protest was entered:

"Dissentient'

"1. Because we cannot agree to such

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an unwarrantable lavishing away of the public money, at a time when the nation groans under a heavy load of debts, and is engaged in a dangerous and expensive war.

" 2. Because we fear that this Act may in after times be made use of as a precedent for factious purposes, and to the enriching of private families at the public expence.—*(Signed)*—Bathurst, Chandos, Ab. York, Paget."

Debate on the Earl of Derby's Motion for an Address relative to the Convention of Saratoga.] The Earl of *Derby* then resumed the business relative to the convention at Saratoga. He acknowledged it was now too late in the session to go into the question at large, nevertheless he thought it extremely proper, that ministers should acquaint the House and the nation with the difficulties which obstructed the faithful performance of the convention; because both a regard for the gallant men now prisoners in America, as well as public faith, made it necessary. That, as ministers had declined to do any thing in it, parliament should be acquainted with the nature and extent of the impediments, in order that it might be enabled to point out the speediest and most effectual means of removing them. His lordship moved, " That an humble Address be presented to his Majesty, that he would be graciously pleased to order to be laid before that House, previous to their prorogation, all Information that has been received, relating to the Detention of the Army now in America, subject to the conditions of the Convention signed at Saratoga."

Viscount *Weymouth* said, there was no blame imputed to any person respecting that affair; the only objection he had to the motion was, because it appeared extremely ill timed, just at the eve of a prorogation. As to the papers, if moved for in time, he would not have had the least objection to comply with the motion; nor could he give a specific answer, upon bare recollection, as to their contents. On the whole, therefore, considering that he could neither carry the substance of them in his mind, and that were they produced, they would break in upon the prorogation tomorrow, he would recommend to his lordship to withdraw his motion; otherwise he should find himself obliged to move the previous question, which he rather wished to avoid.

The Earl of *Derby* told his lordship, that he ought to balance the necessity of the motion against the inconveniency of sitting a few days longer: that even in point of good policy, as well as humanity, ministers should consider what material service so brave and well disciplined a corps of veterans might, if released, be able to render their country at this important crisis.

The Earl of *Effingham* supported the motion, on the ground last mentioned by the noble earl. He agreed with the noble viscount that there was no compelling the Congress to perform the convention on their part, as we had proved by fatal experience, that we were not able to compel them to do any thing: nevertheless, it was necessary that parliament should be informed what was the matter of difference, when it arose, and how best it might be remedied. Parliament were called upon to interfere, since ministers had declined any steps on their part; they owed it to the nation, as an act of duty, and they particularly owed it to the brave but unfortunate men who were suffering the most mortifying and painful chagrin, by being rendered unserviceable to the state, and left neglected in the hands of an enemy, who for several reasons could not be supposed to have any other feeling of regard for them but what the mere rules of war prescribed.

The Duke of *Richmond* remarked, it was somewhat extraordinary, that the noble viscount had paid so little attention to an affair of so great consequence, as not to be able to recollect any part of the contents of the papers, which, if he performed his duty, he must have perused, nor of course give the least tittle of information to their lordships on the subject. Such a conduct merited censure. The noble viscount perused the papers, or he did not. If he did, and withheld information from the House, it was an act of great disrespect; if he had not perused them, which he could hardly think, his lordship was guilty of a very inexcusable piece of neglect. As to the prorogation, he hoped ministers would consider how dangerous it might be to prorogue parliament at so critical a season, when it was not only possible, but probable, their advice might be wanting, which could not be obtained until the end of forty days after issuing the proclamation for calling it together.

The previous question being put, was agreed to without a division.

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Debate on the Duke of Bolton's Motion for an Address to defer the Prorogation of Parliament.] The Duke of *Bolton* rose and observed, that although the noble viscount's reasons against the preceding motion carried the appearance of an objection to one he intended to submit to their lordships' consideration, it should not prevent him from proceeding; because, give the objection its full weight, it amounted only to an argument of convenience, and could never stand in competition with the welfare and safety of the state. The noble viscount spoke of a clause in an act of parliament, which empowered his Majesty to summon the parliament in 14 days. He would not contend about the real powers vested in the crown by that Act; but at a period of so much danger and difficulty, he was ready to prove that it would be extremely improper to trust to any summons, however short, when the assistance of parliament, upon any emergency, be it ever so sudden, could be insured by continuing the session by short adjournments.

His grace affirmed, that an invasion of this country by France was meditating; that the formidable armaments going on at that instant in their ports, docks, and naval arsenals, portended nothing less; that Spain was equally busy in warlike preparation; and, that powerful armies and encampments were stationed on the coasts of the channel, opposite England. These were unequivocal proofs of what we had reason to expect, at least what it was necessary we should provide against; they were not appearances of a defensive, but an offensive war. Indeed, ministers themselves, by their conduct, within a few days, had amply confirmed what he had now thrown out; the alarum-bell was rung by them; its sound had already reached the most distant part of the three kingdoms; it was still tinkling in his ears. A general embargo had been laid by the joint advice of those very ministers, who, by the language of the noble viscount, seemed determined to proceed in the same ruinous career, which had produced all our former misfortunes, and present calamities; and by a prorogation of parliament, to despise its assistance or advice.

His grace exhorted their lordships to pay this alarum-bell a due attention, as they might depend upon it, from the uniform conduct of ministers, they would never have sounded it, if not urged by motives of dire necessity. He hoped, therefore, that their lordships would not suffer it to ring in vain. No instance, he contended, was known, when an embargo was laid, such as that of Saturday last, but on the dreaded approach of an immediate invasion; and besides the general reasons for the propriety of such an apprehension, he had no doubt, but the King's servants had good private and particular reasons to fear that an invasion was at hand. If so, he submitted how extremely necessary it would be to have parliament sitting, in case of so momentous an event. Supposing parliament should be dispersed, at the time a foreign enemy should land, who could the people look to for assistance and protection? Not surely to a set of men, who in every instance in which they had been trusted, had misled both parliament and nation, and betrayed a total incapacity, in every measure they attempted to carry into execution.

As he had mentioned the naval preparations going forward in the ports of France and Spain, he thought it necessary to say a few words on that part of his subject; as well to point out what had been done by those powers as to remind their lordships what had been omitted on our part. As soon as France had finally determined to interfere in the dispute between this country and her colonies, which was several months before she entered into any direct treaty with them, she wisely turned her whole attention to her marine; and he was warranted in affirming, put it in such a condition, as the present ministers were totally ignorant of, and very few people aware of. Yet, even active as France and Spain were, if our navy had been properly attended to; if the enormous sums voted by parliament had been judiciously applied; if the noble earl who presides at the Admiralty, had performed either his promises or his duty, no cause of the present national panic, on account of an expected invasion, would have ever existed. The most ample supplies, in the course of seven years, had been granted; the most loud and frequent boastings had been made by the noble earl in consequence of those supplies; of the flourishing invincible state of our navy; of its superiority over the united fleets of France and Spain; but the very first instant an occasion calls for the exertion of this fictitious naval force, not even for offensive war, but mere protection, for safety and security in our dwellings and possessions, for the enjoyments of our altars and

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firesides, we are given to understand, that the navy is no longer the great national bulwark; that we must have recourse to a land force to defend us: and as for Gibraltar and our distant dependencies, they are at once abandoned; even the noble lord now stationed in America with his squadron, is devoted; for the same noble earl, who has boasted so frequently of his having a force superior, or able at all times to cope with the united force of the whole House of Bourbon, has adopted a very different language; he has acknowledged, that it was not prudent to detach, in order to watch the motions of D'Estaing, whether meant to be directed against our fortresses in the Mediterranean, or our fleets in America. His grace, next pointed in particular to the want of frigates, which he said were the great soul of maritime war; both in cruises against the enemy, for the protection of commerce, and in facilitating the operations of large squadrons. He contrasted the distribution of our fleet at present, with what it was in the years 1743, 5, 6; at which several periods, invasions from France were threatened in favour of the Pretender. The attempt in 1743, was when the Pretender and marshal Saxe were at Dunkirk. He said, then the wisest precautions were taken; the shores were lined with frigates, in order to give notice of the enemy's approach; and were so judiciously stationed across the channel, that it was impossible for any fleet to come up the channel, without sir John Norris being apprised of it; who, stationed in the Downs to watch the intended debarkation at Dunkirk, had it in his power to prevent it; or upon the appearance of the grand French fleet, to attack it, before it could join the force in Dunkirk road. Such was the distribution of the force in 1745 and 6, when admiral Vernon commanded in the channel, which compelled the enemy to a choice of forbearing to invade, or of coming to a general engagement. What, said his grace, is your line of battle now? You have none. Your line of battle ships, at the end of almost two months, are not yet ready to put to sea; and if they were, have you any frigates? Even on paper, the grand fleet, as it is called, under admiral Keppel, amounts to no more than 21 ships of the line, besides the squadron of 12 more under admiral Byron. Is this a force equal to that which France alone is able at this instant to meet you in the ocean or channel with? I contend it is not. If, then, Spain should become a party in the quarrel, what has this country to depend on? Nothing but mere chance remains to protect her. We are, my lords, brought into this melancholy predicament by the misconduct of ministers: if we do not detach, our dependencies are at the mercy of our enemies; if we should, our coasts must lie open to the attacks of the first invader. His grace then moved, "That an humble Address be presented to his Majesty, humbly to represent to his Majesty the very alarming state of these kingdoms, which we fear will be much increased by a prorogation of parliament at so critical a time, whereby his Majesty would be deprived of that natural and constitutional advice he might find necessary on any emergency to require from his parliament, when the whole legislative authority, and the united wisdom of the kingdom, is, in our apprehension, absolutely necessary to secure us from impending dangers, most humbly to implore his Majesty, that he would be graciously pleased *to defer* the prorogation of the parliament *until* the present very dangerous crisis may be happily terminated."

Viscount *Weymouth* opposed the motion. He was of opinion, that the two motions stood pretty nearly on the same ground; and in giving his reasons of dissent to the present, should recur chiefly to his former arguments; which were, that parliament, after so long and arduous an attendance, required a recess; and if the necessity for the advice of parliament were such as had been stated by the noble duke, the clause inserted in the Militia Bill, of 1775, provided a remedy, without putting parliament to the disagreeable inconvenience of attending in town during the whole summer; not to transact business; not to fulfil a duty required of them; but merely to wait in anxious suspence, to see if any matter of parliamentary concern might arise. The purport of the clause was what he had before mentioned, which empowers his Majesty, in the instances therein provided for, to convene the parliament in 14 days. This clause would answer all the intended purposes of an adjournment; and would be free from all the inconveniencies which an adjournment must be productive of. He took notice, that a noble duke in the last debate had observed, that the writs of summons to parliament, running in the ancient form, and requiring forty days between the writ and

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return, the clause now alluded to, could not operate. This he was free to controvert; and believed the contrary might be easily shewn, because that was no positive law, but merely founded in custom; and though it were, he did not think he should hear it asserted, that it was not in the power of the legislature to alter, and of course to give a legal operation to their own intentions, expressed in the clearest and least ambiguous terms.

Lord *Camden* replied to the argument of the noble viscount, in answer to what he had offered to the objection made in the preceding debate, respecting the writs of summons to parliament being always returnable in forty days, when called together for the dispatch of business. The noble viscount does not deny the existence of the law; nor does he pretend to point out a single instance in which it has been departed from; but the noble viscount says, there is a law for one as well as the other. My lords, one is the law of parliament, founded in the constitution; a law, give me leave to say, that is of the very essence of parliament itself; and more binding and obligatory than any act of the legislature can be; because it is the very basis and ground-work of their assembling for any purpose. But taking the noble lord's argument simply, as his lordship has stated it, let us try it by the established rules of legal construction. Is the law or usage of forty days notice repealed by the clause alluded to, or by any other clause contained in the Act? No such thing is pretended. Does the clause make any provision for altering the writ of summons from forty to fourteen days? Not that neither. All the clause says, is, that in such and such cases the King may convene the parliament in fourteen days. Will any noble lord present undertake to say, that there is at present a rebellion subsisting in America, or in any of the dependencies of the British crown; or suppose he should hazard the assertion, will he say, that the ancient mode of assembling parliaments; a mode, I am ready to contend, coeval with the constitution, shall be at once annihilated by a passing clause in an act of the legislature, not at all directed to the regulating the mode and manner of holding of parliaments, or connected with any of its special powers or privileges? Should such a doctrine prevail, there is not any other power or privilege of parliament which might not be undermined or taken away in the same way. The doctrine was dangerous, was unconstitutional, and could not be fairly maintained in argument, upon any principle of sound policy, or legal construction. The fact did not maintain the explanation; and if it did, would the clause uphold the interpretation put upon it? His lordship next proceeded to shew the great danger of assembling parliament under the clause, and the folly of wantonly doing so, when the present motion would answer all the ends proposed to be effected by the clause; after which he entered into an investigation of the real state of public affairs.

His lordship reminded the House, that the events which were happening every day, had been literally foretold from that side of the House, and had been day after day repeated, and almost dinned into the ears of administration. The designs of France were delineated in detail; their interests were stated, as the ground of those designs. Ministers were told, that it was the most fortunate circumstance that could possibly happen to France, that misunderstandings should take place between this country and her American colonies; that those misunderstandings should produce a civil war; that a civil war should produce a separation; and that in the very instant, when Britain had lost one third of her dominions, and should be exhausted of men and money, that then would be the time for France to take advantage of our weakness, and wreak her vengeance on this devoted country. Was there a syllable, which had been urged on this subject, which did not turn out literally true? Did not France, by the most seeming friendly assurances, encourage ministers to carry their plans of despotism and unconditional submission into execution? Did they not, as soon as they found ministers engaged in the improvident, impracticable, and unconstitutional scheme of subduing our colonies by force of arms, give secret assistance to America? Did they not still continue the same friendly assurances to encourage us to send our whole naval and military force beyond the Atlantic, so as to render ourselves in a manner totally defenceless at home? and as soon as we had fatally done so, at once cease to dissemble, and openly league themselves with our own subjects? And do they not now, in conjunction with Spain, meditate our destruction?

His lordship lamented the same fatal credulity, which now subsists in respect of Spain, which caused all our present cala-

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mities in depending upon the assurances of France. Spain was armed; and ministers, I doubt not, will tell me, What of that? We continue to receive the fullest assurances from Spain of a determined amicable neutrality. If Spain was really sincere, why arm? Why are her ports and arsenals full of ships of war, ready to proceed to sea, or preparing with all possible expedition for it? What is the reason that 23 ships of the line now ride in Cadiz Bay? Is all this preparation and great expence undertaken for nothing? Such a general preparation is a tacit declaration of her sentiments. Independent of any public or private engagement she may have entered into with France, it imports just this: as soon as hostilities are commenced between you and France, we mean to take part with the latter; it is the language of common sense, of experience: if not, why arm now, more than at any other period since the conclusion of the late peace? Ministers, knowing this, should have peremptorily insisted upon something else, besides bare assurances; they should have insisted upon a test from Spain of the truth of those assurances; by putting a stop to all their armaments; and if Spain refused, ministers should have compelled them to justice, by intercepting the flota. The possession of that treasure would have been a proper punishment for their perfidy; would have been a pledge for their future conduct; and if they then refused to give the only solid proof of their specific intentions, it would enable us to carry on a necessary war against the joint efforts of our natural and perfidious enemies. It may be objected that such a conduct on our part, might be deemed a breach of the law of nations, that of attacking a nation unprovoked, in a time of profound peace. That difficulty might be easily got over; a declaration of war might accompany the blow, and the refusal to disarm, at so critical a conjuncture, might be pleaded as a motive equally founded in justice, sound policy, and necessity, for compelling a secret enemy to declare, what her inability and present convenience only prompted her to conceal.

The *Lord Chancellor* replied to the distinction made by the learned lord who spoke last, between the 40 days notice in the writs of summons according to the common law, and the probable operation in the clause in the statute, which empowers the crown to assemble the parliament in 14 days. He believed the learned lord's construction of the law was perfectly right, that the writ in point of law would supersede the intent of the clause on ordinary occasions; but although no man was readier to support the constitution in general, or the parliamentary constitution in particular, he would, in a case of emergency, such as the preservation of the state, dispense with forms however sacred; because such emergencies supposed a case of necessity, in which the very essence, as well as forms of the constitution, were at stake. As to the existence of a rebellion in America, the condition on which the clause was to take effect, he presumed few of their lordships doubted of it; and if during a prorogation any sudden emergency should arise, he presumed that neither the right nor expediency of calling the parliament together at 14 days notice, would be imputed to any of those who should advise such a measure, as criminal or illegal. On the other hand, should an adjournment take place, probably there would be a very indifferent attendance. Many other inconveniences would follow from an adjournment: bills brought in and either withdrawn, negatived, or altered, could not be received; the adjournment being a continuance of the same session. In fine, the power in the clause alluded to, would answer all the purposes of an adjournment, and would be liable to none of its objections.

The Earl of *Shelburne* said, if no other reason existed for agreeing with the motion, it would at least convince foreigners that parliament and the nation at large had been rouzed to a proper sense of their danger. It would shew that the people were united; that they were determined to protect the crown with their lives and fortunes; and that they were resolved no longer to depend upon ministers, whose ignorance and incapacity was what encouraged our enemies, and furnished them with the means hitherto of rendering themselves formidable to this country. His lordship next pointed to the state of our home and distant defence. At present there were but 12 battalions of infantry in Great Britain, which, with the cavalry, did not amount to above 9,000 men, independent of the guards, which was a force small enough to defend the person of the King. This he did not think by any means adequate to the defence of the kingdom, for though much might in time be expected from the militia, in the event of a sudden invasion, they could not be

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expected to make head against a numerous veteran army. In such a case, which was far from being improbable, what was to be done? Certainly, if our navy was inferior to that of our enemies, a landing of a numerous foreign army must be the consequence; in which case the metropolis must be abandoned; for such a military force as that described, with the aid of a raw undisciplined militia, would never be able to defend the metropolis, and protect the whole kingdom. The metropolis must fall! a most melancholy hearing. Scotland must be left to defend itself; he believed there was little danger of an enemy facing that way; then, if in the interim insurrections should arise, and Ireland, already ripe for revolt, should rebel, how was it possible that this devoted nation could stand against such a combination of dreadful circumstances? Here his lordship took an opportunity to condemn administration for their impolitic and absurd conduct, in relation to Ireland and the people of Lancashire, Bristol, &c. in which they conveyed to the world an exact picture of themselves, that of displeasing both parties, without benefiting either. He warned ministers, early, not to make a fruitless attempt to loosen the shackles of the Irish only to gall them the more, and remind them of their sufferings. Whatever was done, should have been maturely considered upon a large and liberal scale, and for the advantage of the whole. On the contrary, administration had disobliged their best friends, the inhabitants of the loyal towns of Manchester and Liverpool; and for what purpose? To throw Ireland into rebellion. He had no political correspondence with any person in that kingdom, though he had on his private affairs; and by the latest accounts received from thence, he was informed that the people had entered into an association to purchase no more British goods, at least none manufactured in Manchester, or its neighbourhood; and it was expected that the mob would daily break into the shops and warehouses, and cut, burn, and destroy all the commodities of the growth or manufacture of this kingdom.

His lordship next proceeded to take a view of our dependencies. The naval defence of those, he observed, was given up; in that respect, they were left to shift for themselves. How was Gibraltar? Why, effective and non-effective, the garrison of that fortress did not amount to 4,000 men; and though two regiments with the governor, and a draft from the artillery, had been at Portsmouth for several weeks, yet they had not sailed; and what rendered this shameful neglect the more inexcusable was, that he perceived by the papers on the table, relative to the equipment of the Toulon squadron, that ministers had a regular, correct, and continued account of the armament going on at that port from the 3d of January, till the 5th of May, notwithstanding which no one step, till very lately, had been taken to strengthen that important fortress, nor had the reinforcement, as yet, left St. Helen's. He then described the defenceless and naked state of our West India islands, and the criminal neglect in not either augmenting the force under general Howe, so as to enable him to maintain his ground, if that was what was intended, or recalling, and sending him to those parts of America which we still possess, either there to act on the offensive or defensive, as opportunity might serve. If, on the other hand, America should be inclined to come to terms, and that to give credit and strength to our negociations, the troops under general Howe might be sent to Halifax to defend Nova Scotia, and strengthen the small force under general Carleton. But if none of these plans were thought proper, why not send reinforcements from hence to defend Canada and Nova Scotia? for while we retained those, he should never think America was entirely lost; he knew a commercial union between Great Britain and her colonies would be for the advantage of both; and he had no doubt, if the proper steps had been timely taken, early in the present year, but such an union might have been effected.

His lordship answered the Lord Chancellor, on his resting the propriety of the prorogation in preference to an adjournment, on the point of a presumed necessity; why not put the matter of necessity quite out of the question by an adjournment, and not lay a ground for a necessity, to evade the ancient law, and break in on the constitution of parliament, on account of a necessity wantonly created? His lordship talked some time on the new honours and distinctions about to be heaped on the undoers of their country, and observed, it was in strict conformity to the policy of that ruinous court-system, which lavished the rewards due only to virtue and public merit, on the most worthless and servile, in order to encourage others to tread in the same ignoble steps, to rise by the same

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unprincipled arts of servility and corruption, lest, as his lordship ludicrously remarked, the breed of the true court-spaniel should become extinct. He next spoke of the American Tories, who he said might be classed under three descriptions, those who acted from principle, those who being misled, or having views of their own, associated as the friends of government, and those of profligate lives and desperate fortunes, who deceived, inflamed, and misled government for motives the most base and diabolical. He should leave the two latter to their fortunes and deserts, and only consider such of the people of America as took a part in defence and maintenance of the rights of this country upon principle. Those men were, of all the people on earth, most to be commiserated. They lay at the mercy of their enemies and persecutors; their estates were confiscated; their persons banished or imprisoned, or their families left to famish; yet those unhappy men were abandoned to their fate; and if at a future time, any occasion should occur, either in America or elsewhere, for the assistance of the loyal part of our subjects, the fate of the loyal, brave, and honest Americans, who were sacrificed by British perfidy, would sufficiently deter any man from trusting to British promises of security and protection. His lordship spoke of the hidden over-ruling influence which surrounded the throne; and whence all those baleful measures proceeded. Thence was their encouragement, instructions, and rewards; and to that source the people in the day of difficulty would look for satisfaction and redress, and demand justice on those who had been the cause of their ruin.

The Earl of *Bristol*. My lords, late as it is, I should think myself unpardonable to go away without expressing my approbation of the motion: but, my lords, I must also express my surprise, that after the noble duke had so manifestly shewn, that the alarming state we were reduced to, was in great measure owing to the situation and management of our fleet, that the noble lord who superintends the remains of our once flourishing navy, has not deigned to say one single word. Surely, my lords, it must be alarming, when we have so lately heard in this House, that the fleet of England, which, till this unhappy period, had given law to all Europe, is now so reduced, that, however necessary it might be, it would not be prudent to detach from it; an avowal as shameful to him who made it, as it is prejudicial to the nation, and injurious to the honour of the crown. And although the collective force of this remaining fleet has been for several months repeatedly said to be in readiness for service, yet it has been so inactive, and kept in such a situation, that I must lament the brave admiral who is at the head of a squadron of that fleet, not having the command of the whole ships in England, by which means his hands are tied from the proper distribution he would otherwise make of them, and which might be a greater security for our coasts. My lords, it is but last week that those ships under admiral Keppel were ready to drop down even to St. Helen's, and I believe the Victory has not been ready, in spite of all the diligence that could be used, to go down till Saturday last. My lords, the sailing of the Toulon fleet ever since the 13th of April, the ignorance of their destination, and the consequences that may ensue from that armament, and our total want of intelligence which way they are gone, is very alarming. My lords, I have a letter in my pocket, which I shewed a noble lord in high office, which proves that fleet to have been the 7th of May between Gibraltar and Malaga, being met by a Swede ship gone into Alicant the 9th. I have therefore reason to believe, that the accounts I have seen in another letter, that the Toulon fleet must have passed the streights the 9th are true. My lords, what is then become of our islands? What is become of that fleet of four or five line of battle ships, and all our frigates under that brave officer lord Howe, with 14 or 15,000 seamen, the flower of our fleet, so much wanted now? And if they fall, what is to become of our army in America? Is not this alarming, my lords? And is this situation not such as to require our wishes that the great hereditary council of this nation, the guardian of the people, should be kept together, and ready to prove by this step, to the whole kingdom and to all Europe, that we mean, we wish, and hold ourselves ready at a moment's notice, to support his Majesty with our advice, as well as our lives and fortunes. My lords, I must say it is no less alarming, after all the expence the public has been at for our navy, that in so long a time we have not been able to collect ships enough to answer every purpose, which it is impossible the present number now in the channel can do: and, my lords, where is the

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remedy for all these evils which the administration has brought upon us? Surely those men who have brought us into this situation, are not the persons proper to advise his Majesty in this alarming situation?

The Earl of *Sandwich* denied he had ever said we were not able to detach ships; he only said, in a former debate, that perhaps it might not be prudent to do it. With regard to admiral Keppel's fleet not being ready to sail for St. Helen's till last week, they were now sailed from St. Helen's. The noble admiral who commanded them had not his hands tied, as that noble earl would one day see, whenever his orders were made known. He was surprised the noble earl's intelligence was so bad, as to say that we had ever 139 ships of the line, which the noble earl mentioned the other day. We never had that number; and we now had ships enough; it was men we wanted. The noble earl also had said one day, that an embargo was necessary; why was not an embargo laid? And now an embargo is laid the noble lord condemns it as improper. The noble earl I allow to be a great officer, a great seaman, and a man of great abilities; but, my lords, I will not give up my official knowledge to him or any sea officers whatever; and to shew that I am as good a seaman as either of those noble lords, who asked the other day, why could not eleven ships work down the Channel as well as one, which was admiral Barrington? I will tell them why; because there must always be in a number a heavier sailing ship than another, and the rest must keep company with the worst, which happened to sir John Norris, when attempting to work down the channel, his ships fell aboard of each other, and forced him to put back, and he never could get beyond Torbay.

The Earl of *Bristol* rose again, and told their lordships that he was used to that noble lord's Machiavilian policy, of endeavouring to turn all his arguments into ridicule when he could not answer them; but he only desired their lordships' indulgence, to prove to them how the noble lord had endeavoured to misrepresent what he had said. And first, my lords, as to his denial of having said the other day, he could not detach, I appeal to the House, whether the noble lord did not say, it would not be prudent to detach; and that as I find the noble lord has not detached, nor has detained admiral Byron to join admiral Keppel, whether I am not authorised to suppose, he is not able to detach, because he has not, when it is very well known, the Toulon squadron are at sea, and that, if left to themselves unwatched, unpursued, we have every thing to fear for our colonies, and for our poor frigates, and our great army in America, as well as our trade. Next, with regard to the bad information the noble lord is pleased to say I have, his lordship does me honour, because the noble lord made use of the very same polite terms and words to that great statesman, now no more (earl of Chatham) on a similar attack from him in this very House; so that, my lords, it is a phrase with his lordship as a thing of course when he cannot confute what is advanced. Next, my lords, I think his lordship said, that I had said, admiral Keppel's hands were tied, and that he could not act, and how did I know that he could not? I deny the words: what I had said was, that I was sorry admiral Keppel's hands were tied from not commanding the whole fleet in England; for, that so well I knew the skill and bravery of that excellent officer and the officers under him, that had he the command of the whole fleet, there would have been a very different description made of them, and we should have had much less to have dreaded from an enemy; for well I knew, if he had the good fortune to meet the French fleet, he would certainly beat them; and that I must remind their lordships of what I said the other day, that I wished him most sincerely not only the command of all our fleets on float, but also on shore. I know no man so fit for it, so beloved by all the officers, so much wished for by the public, and no one who would do more honour to his King and country. The noble lord also says, I misrepresented when I said there were ever 139 sail of the line. My lords, I am astonished at his lordship's denying this fact. Let him look at the little clasped book I produced the other day here, which is from the navy-board, dated May 1771. He will there see from thence 139 ships of the line, 382 ships and frigates, bombs, &c. the grand total. And I repeat again, that when I came into the board of Admiralty in 1771, there were 81 ships of the line fit for service, 24 under repair, 7 foreign ones bought, besides others in want of great repair. My lords, what then is become of all those ships, when the noble earl in office told us there were only 49 in England fit for service? Shameful it is to see the reduction of the great fleet of Eng-

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land after the sums given to it! Nor care I whether it is the noble lord or not; but so it is, there has been mismanagement, misconduct, negligence and ignorance in this great and essential department; and were we to sit longer here, I pledge myself, some how or other, to sift it out.

The House divided: Contents 20. Not-contents 42.

Debate on Sir James Lowther's Motion for an Address to the King to defer the Prorogation of Parliament.] June 2. Sir *James Lowther* adverted to the critical situation of public affairs, when the wisdom of parliament would be highly necessary; and when consequently it would, to the last degree, be improper to put an end to the session: wisdom was to be expected from a multitude of counsellors; it would be therefore most advantageous to the kingdom that the parliament might be permitted to continue sitting. For these reasons he moved, "That an humble Address be presented to his Majesty, to represent to his Majesty the very alarming state of these kingdoms, which will be much increased by a prorogation of parliament, whereby his Majesty would be deprived of that natural and constitutional advice and assistance which may be so necessary at this critical conjuncture, when the whole legislative authority, and the united wisdom of the kingdom, is absolutely essential to secure us from impending danger; and most humbly to implore his Majesty, that he would be graciously pleased to defer the prorogation of parliament until the present dangerous crisis may be happily terminated."

Sir *P. J. Clerke* seconded the motion, on the general ground of necessity. He said, the nation was in imminent danger, for that he had been informed, since he came into the House, that the Brest fleet had been seen within a few leagues of Plymouth. He said he was more particularly for the motion from the old adage, that "in the multitude of counsellors there is safety."

Earl *Nugent* said, he fancied, that if even the motion was carried, the last speaker would be disappointed in his hopes, as he believed very few counsellors would remain in town. He moved the other orders of the day.

Mr. *T. Luttrell* said, that many were the reasons that could be adduced to shew the necessity of keeping the parliament together; it were needless to repeat them; but the embargo and the deplorable state of the navy, were surely reasons sufficiently cogent to prevent a prorogation. The complement of men on board our fleets was 10,000 short of the establishment: such a deficiency was truly alarming, and required the utmost attention of parliament.

The Hon. *Richard Fitzpatrick* declared that he would have remained silent, if the noble lord in his eye had thought proper to lay before the House the intelligence he had received from America: but as his lordship had declined that, he thought it his duty to give the House such information, as, from his situation, he was enabled to collect. About ten days before he sailed from Philadelphia, a copy of the Conciliatory Bills had been brought to that city: their reception was such as they deserved. The army received them with the most inexpressible indignation; some of the officers had in his presence torn their cockades from their hats and flung them into the streets. They had been deluded so far as to imbibe the ministerial spirit for war; and when they looked for reinforcements, and expected 20,000 men to enable them to open the campaign with some signal and decisive blow, a set of Bills were sent out to them, which loaded them with disgrace. These Bills were not transmitted to the Congress nor to general Washington; they were dispersed through the country by individuals, and through them found their way at length into the American army. Their reception there was still worse than in the British army: they were kicked about, torn, nay, burned by the hands of the common hangman. They were looked upon as calculated to spread discord through the country, and that idea tended more to rivet them more closely than to disunite them. Some officers in general Washington's confidence, with whom he had had an opportunity to converse, told him, that it was the opinion among their people that these drafts of Bills were nothing more than a pretence to amuse the Americans, and dispose them to desert the Congress; and that the parliament knew nothing of them, when he had assured them that it was really the intention of parliament to pass these Bills into laws, and to send out new commissioners; they said, that if such proposals had been made to them by lord Chatham they would have probably received them; but that they never could listen to terms proposed by the men who had brought on

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the war. On his arrival in England he had formed a resolution not to be astonished at any thing the ministry could do; for after the sample they had given him, he saw they were capable of the greatest extravagancies; but when he found the situation we were in with regard to France; when he found that a gallant general was treated in the most unbecoming manner, he was, in spite of his resolution, perfectly astonished. He felt as a soldier for the situation of that brave officer; he felt the utmost indignation against those who could so disgrace the military profession as to treat a soldier who had fought their battles, in a manner so disgraceful to a soldier. He had discovered the dawning of a spirit among the people, which he hoped would soon blaze forth, and make ministers feel that they have acted wrong.

Lord *George Germain* said he would not attempt to contradict any thing the hon. gentleman had advanced from his own knowledge; but he would certainly set him right in what he delivered as conjectures: for there he was better informed. There had been no promise made to the army in America to send out 20,000 men to reinforce them this campaign. If the hon. gentleman informed the House that the drafts of the Bills had been received with contempt by the Americans, he also informed them, that if they had been planned by other men, they would have been received: it was not therefore the measures but the men that America objected to: if they had no other objection, it would be a very easy matter to make peace. If they should reject the terms as not making sufficient concessions, it would then appear that they were not disposed to treat upon any terms; and then he should be sorry that the Bills had ever been sent out. With regard to the general alluded to, he did not understand that he had mentioned any cause of complaint but one, and that was, that he had been prevented from going into the royal presence: and that was a hardship which he felt in common with every officer whose conduct required an enquiry.

Mr. *Fitzpatrick* did not mean to charge the noble lord with having made a promise to send out 20,000 men; but this he would say, that reinforcements were promised; that the new levies had been destined for America; and when the army there should expect to see them arrive, their longing eyes were to be saluted by count d'Estaing's fleet, which in all probability must destroy both lord and general Howe's forces; which were now so few in number, that they could act only on the defensive. He complained of the scandalous manner in which sir William Howe was abused here, while he was beloved, respected, nay adored by the whole army in America.

General *Burgoyne* said, he had more causes than one to complain; but he did not wish to take up the time of the House with his personal affairs. When he arrived in town, he waited on the noble lord; and entered into a long conversation with him, in which he unbosomed himself to him as one friend would to another: at the end of it, to his great surprise, he was informed that a court of enquiry had been appointed to enquire into his conduct, and that he should absent himself from court till after that enquiry: he declared that he could not have been more astonished if the noble lord had pulled a dagger from his pocket to strike him with: an enquiry he wished for most earnestly. But his idea led to a court-martial; and he did not expect that the business would have been carried on in such a manner. The general then adverted to the desertions from the northern army; and desired to know if any steps had been taken to release that gallant army, which, without disparagement, would be equal to twice their number in the field; from having been accustomed to hardships, lying without tents, living on slender meals, and being well used to fire. He complained that officers well acquainted with the whole business of the expedition, had never been examined by the noble lord relative to it; whilst runaways and fugitives, with M. St. Luc at their head, were questioned and caressed; nay, while a menial servant of his own, who had been turned out of his family, was heard with attention.

Lord *George Germain* was of opinion, that the declaration of the Congress relative to the convention, was well worthy the most serious consideration: no one wished more heartily for the release of the army than he did; but the utmost circumspection was necessary, With regard to the general he did not think he deserved such severe censure; he had at night received a letter by colonel Jenkinson from him, informing him that he was in town; not knowing what to do on the occasion, he sent the letter to the King, from whom it was returned to him the next day, with an intimation that it had been settled that a court of enquiry should

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sit upon him, and that he should not in the mean time appear at court. That was all he knew of the affair. He had not thought it necessary to call upon such of the officers as were in England for information, when he had received such circumstantial accounts from the general's own public and private letters. He never gave encouragement to any one who wished to defame the general. There had been one who announced himself as an officer, who said he had been ill-treated by general Burgoyne; and that he wanted to lodge a formal complaint against him; and yet though several persons spoke well of that man, still he never would and never did consent to see him, because he thought it would have been indecent.

Mr. *Fox* entered largely into the arguments which he thought most forcibly proved the inexpediency of a prorogation at the present juncture: he condemned the manner in which the drafts of the Conciliatory Bills had been introduced among the Americans; ridiculed the idea of expecting that America would treat with us, while the King on his birth-day bestowed in the most solemn manner cinque ports and blue ribbons as marks of approbation on those very men, who had plunged the colonies and the mother country into the war. He shewed the inconsistency of the Tories, who in New York on the 30th of November last, St. Andrew's day, had pulled down the statue of lord Chatham; and now trophies and statues were to be erected to his memory. They hated him living and revered him dead; and were somewhat like the emperor of Germany, who seeing a sumptuous monument which had been raised over his rival in the empire, wished that all his enemies were as sumptuously interred.

The question being put, that the order of the day be now read, the House divided:

Tellers.

YEAS	Earl of Lisburne Lord Westcote	- - - - - -	94
NOES	Sir James Lowther Sir P. J. Clerke	- - - - - -	54

So it was resolved in the affirmative:—Sir J. Lowther's motion was consequently lost.

Mr. Speaker Norton's Speech to the King on presenting the Money Bills.] June 3. The King came to the House of Peers to put an end to the Session.

The *Speaker* of the House of Commons, on presenting the Money Bills, addressed his Majesty in substance as follows:

"That, at this time of public alarm, his faithful Commons were happy to find that his Majesty had called out the constitutional force of the kingdom for its defence; that they hoped his Majesty would in consequence be enabled to employ his other forces on essential services without the realm; that as they had liberally granted supplies to the fullest wishes of his servants, they trusted his Majesty would make such use of the money as was most likely to preserve the honour and dignity of his crown, and promote the welfare and interest of his dominions; finally, that they heartily wished for a speedy return of the Americans to their allegiance, and did not doubt but in due time his Majesty would be able to chastise and repress the insolence of his natural enemies."

The King's Speech at the Close of the Session.] His Majesty closed the Session with the following Speech to both Houses:

"My Lords, and Gentlemen;

"After so long and laborious an application to the public business, I think it proper at this season of the year to give you some recess: I come at the same time to return you my particular thanks, for the zeal you have shewn in supporting the honour of my crown, and for your attention to the real interests of all my subjects, in the wise, just and humane laws which have been the result of your deliberations, and which, I hope, will be attended with the most salutary effects in every part of the British empire.

"My desire to preserve the tranquillity of Europe has been uniform and sincere; I reflect with great satisfaction, that I have made the faith of treaties and the law of nations the rule of my conduct; and that it has been my constant care to give no just cause of offence to any foreign power; let that power by whom this tranquillity shall be disturbed, answer to their subjects and to the world, for all the fatal consequences of war.

"The vigour and firmness of my parliament have enabled me to be prepared for such events and emergencies as may happen; and I trust that the experienced valour and discipline of my fleets and armies, and the loyal and united ardour of the nation, armed and animated in the de-

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fence of every thing that is dear to them, will be able, under the protection of Divine Providence, to defeat all the enterprizes which the enemies of my crown may presume to undertake, and convince them how dangerous it is to provoke the spirit and strength of Great Britain.

"Gentlemen of the House of Commons;

"I thank you for the cheerfulness with which you have granted the large and ample supplies for the service of the current year, and for your care in raising them in a manner the most effectual, and the least burthensome; and my warmest acknowledgments are due to you for the provision you have enabled me to make for the more honourable support of my family.

"My Lords, and Gentlemen;

"Your presence in your respective counties may at this time be of great public advantage; it is unnecessary for me to recommend to you to do your duty in your several stations; on my part, I have no other wish or object but to deserve the confidence of my parliament, and the affections of my people."

The Parliament was then prorogued to the 14th of July; and was afterwards further prorogued to the 26th of November.*

FIFTH SESSION
OF THE
FOURTEENTH PARLIAMENT
OF
GREAT BRITAIN.

The King's Speech on Opening the Session.] November 26, 1778. His Majesty came to the House of Peers, and opened the Session with the following Speech to both Houses:

"My Lords and Gentlemen;

"I have called you together in a conjuncture which demands your most serious attention.

"In the time of profound peace, without pretence of provocation or colour of complaint, the court of France hath not forborne to disturb the public tranquillity, in violation of the faith of treaties, and the general rights of sovereigns; at first, by the clandestine supply of arms, and other aid to my revolted subjects in North America; afterwards, by avowing openly their support, and entering into formal engagements with the leaders of the rebellion, and at length by committing open hostilities and depredations on my faithful subjects, and by an actual invasion of my dominions in America and the West Indies.

"It is, I trust, unnecessary for me to assure you, that the same care and concern for the happiness of my people, which induced me to endeavour to prevent the calamities of war, will make me desirous to see a restoration of the blessings of peace, whenever it can be effected with perfect honour, and with security to the rights of this country.

"In the mean time, I have not neglected to take the proper and necessary measures for disappointing the malignant designs of our enemies, and also for making general reprisals; and although my efforts have not been attended with all the success, which the justice of our cause and the vigour of our exertions seemed to promise, yet the extensive commerce of my subjects has been protected in most of its branches, and large reprisals have been made upon the injurious aggressors, by the vigilance of my fleets, and by the active and enterprizing spirit of my people.

"The great armaments of other powers, however friendly and sincere their professions, however just and honourable their purposes, must necessarily engage our attention.

"It would have afforded me very great satisfaction to have informed you, that the conciliatory measures planned by the wisdom and temper of parliament, had taken the desired effect, and brought the troubles in North America to a happy conclusion.

"In this situation of affairs, the national honour and security call so loudly upon us for the most active exertions, that I cannot doubt of your heartiest concurrence and support. From the vigour of your councils, and the conduct and intrepidity of my officers and forces by sea and land, I hope, under the blessing of God, to derive the means of vindicating and maintaining the honour of my crown, and the interests of my people, against all our enemies.

* Immediately after the prorogation, Edward Thurlow, esq. Attorney General, was created lord Thurlow, and appointed Lord Chancellor, in the room of earl Bathurst. Alexander Wedderburn, esq. was appointed Attorney General, and James Wallace, esq. Solicitor General.

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"Gentlemen of the House of Commons;

"I will order the proper estimates for the service of the ensuing year to be laid before you; and when you consider the importance of the objects for which we are contending, you will, I doubt not, grant me such supplies as you shall judge necessary for the public service, and adequate to the present emergency.

"My Lords and Gentlemen;

"I have, according to the powers vested in me for that purpose, called forth the militia to assist in the interior defence of this country; and I have with the greatest and truest satisfaction, been myself a witness of that public spirit, that steady ardour, and that love of their country, which animate and unite all ranks of my faithful subjects, and which cannot fail of making us safe at home and respected abroad."

Debate in the Lords on the Address of Thanks.] His Majesty having retired,

The Duke of *Chandos* rose and moved an Address of Thanks. His grace began with stating the many public and private virtues of the sovereign, and the obstinacy, baseness and ingratitude of his rebellious subjects in America; a prince, who had made the constitution the rule of his government, and the happiness and prosperity of his people the leading objects of his life. History furnished no example of the kind; that in a time of profound peace, without pretence of provocation, the court of France, contrary to the faith of treaties, had not only entered into engagements with the leaders of rebellion in America, but had committed hostilities on the faithful subjects, and had actually invaded the dominions of the British crown in America and the West Indies. He took a retrospective view of the repeated assurances of amity and sincerity given by that perfidious court, while they were secretly encouraging and assisting rebels in arms against their lawful sovereign, until the moment arrived, that they imagined they could, from the embroiled situation of our affairs, publicly avow that perfidy. This circumstance, joined to the consequences which were justly to be dreaded, if not timely guarded against, would, he trusted, be sufficient to produce unanimity among their lordships and the nation at large; and create a proper sense of the injuries attempted to be put upon it, and of the wound which its honour had received. He said, vigorous measures were the only sure and honourable means of defeating the designs of our enemies. The present crisis, he acknowledged, was critical, and in some respect, alarming. France and America were connected in the most unnatural alliance; other powers might interfere; the most solemn assurances of friendship and neutrality were not wanting, but it was prudent to be prepared for the worst that might happen; in either event, however, nothing but the most vigorous exertions could promise to free us from our present perilous situation. He observed, that although the vigorous efforts made in the course of the last campaign were not correspondent to the public expectation, our commerce had been protected, and very considerable reprisals had been made on the enemy in sight of their own coasts, by which they were sorely distressed, and the captors and the nation proportionably enriched. He returned to consider the conduct of America, and said, that the people of that country having obstinately refused the late offers made them by the British parliament, he trusted the people of this country would unite, and no longer consider the revolted colonies as struggling for the privileges of British subjects. but as a sovereign independent state, leagued with a foreign enemy, for our destruction. Measures of force were, therefore, become necessary, measures calculated to defeat and dissolve so unnatural alliance, whatever appearances might in some particulars indicate to the contrary; but that the spirit and resources of this country were yet fully equal to the chastisement of both our declared foes and rebellious subjects.

The Earl of *Plymouth* confessed that the present was a most inauspicious period, and called pressingly for the instant aid of every heart and hand in the kingdom to ward off the blow, now meditating against us. He professed himself entirely of opinion of the noble duke, that nothing but the most decisive measures would answer any good end. The enemies of this country must feel its resentments in acts of power and hostility before peace could be restored upon a safe or honourable footing. Any concession on our part must be fatal: our commerce and manufactures, which were the great sources of our wealth and national power, must be ruined, if America was relinquished. He lived in a great manufacturing county, (Worcestershire) where he was a daily witness to the distresses of both the manufacturers and of those whom they employed. The manu-

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facturers had ceased to carry on their business, for want of a market; and the working mechanics were starving for want of employment. In some of the towns immediately in his neighbourhood, he was acquainted with opulent tradesmen and manufacturers, who instead of employing a hundred or fifty hands each, did not now employ above ten or five, or in that proportion. He had often heard it dwelt upon by several noble lords in that House, that America would be able to resist the utmost exertions of this country; that France would at length interfere in her support; and frequently since he had heard great merit taken on the score of those predictions; but the final event thereof was not yet known, nor were the authors always justified in what they said. Among other assertions, he remembered to have heard it insisted upon from the same quarter, that the militia, if called out into actual service, would never answer the purpose of national defence: the contrary had been proved in the course of the preceding summer and autumn. He believed, those who were most sanguine in this opinion would agree with him, that there never appeared a finer body of men, nor better disciplined, considering the shortness of the time they were instructed in the use of arms. He therefore had no doubt, but several other predictions of the same tendency would be proved equally erroneous. His lordship concluded, with giving it as his firm opinion, that the measures recommended from the throne were the only means now left of procuring public safety, and of avoiding that public disgrace and ignominy, which must follow any concession which a mistaken prudence and timidity might suggest, or an insolent and perfidious enemy think proper to prescribe. He would therefore second the Address moved by the noble duke.

The Earl of *Coventry* rose to repeat his former opinion respecting America, which had never altered since it became a subject of debate in that House, but had been uniformly directed to impress this one important truth on their lordships, that the attempt to coerce America, was a measure hazardous in the onset, impracticable in the execution, and if even prosperous, infinitely pernicious and impolitic. This was an opinion he would never retract. He wished, in the language of a noble lord (Bute) on a former occasion, to have that opinion engraved on his tomb-stone. As to the Address moved by the noble duke, he could by no means assent to it in the terms in which it was drawn up. Being averse to the prosecution of the American war, in every precedent stage, it could hardly be expected, that he would lend his approbation in the present instance, when so many additional reasons confirmed him in his former dissent. He did not come prepared to propose any amendment, nor did he see what amendment could meet his ideas, without altering the tenor of the whole Address: otherwise, he should very readily support every measure which would go to separate the idea of making war upon France, distinctly from America. So far he was ready to co-operate in any steps necessary for carrying on a war against our foreign foes; but he begged leave to repeat, that experience had strengthened his former opinion, and supplied him with additional reasons, for advising a discontinuance of hostilities against America, as the only means of restoring that country to the British empire.

To go into the question, as it presented itself to their lordships, it would be necessary to consider it previously, as connected with many relative and collateral circumstances. This could be only drawn from facts, or from fair and candid reasonings on those facts. The former would be the actual state of this country, at the commencement of the contest, and at present; to compare those periods, and from thence determine on the probability of success. The same mode of investigation would be necessary in respect of America; look at her, see what she was, and what she is. He would, however, as the point of most immediate consequence, consider the internal and external state of this country. This, he affirmed, would be found to be deplorable indeed. Our armies were either mouldering away, by death, desertion, and sickness, or reduced by loss in battle; were defeated or captives, or acting upon the defensive. Our navy was far from being in a formidable state. Our manufacturers were unemployed, starving, and burthensome to their respective parishes. Our commerce was declining; and was carried on, upon such a risk, and on such high premiums of insurance, as to render it but of small advantage to the merchant, and burthensome to the consumer. Public credit drawing fast towards annihilation. Our stocks fallen, nearly as low as at the conclusion of the late war; and their ruin suspended only by a thread, which the least adverse accident would

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probably cut asunder. Private dissipation and public rapine daily increasing. Divided councils and a general inattention to the concerns of the nation, almost universally spread through every rank of people. He acknowledged, that this was a melancholy picture, but if it was a faithful one, it ought not to be concealed from the public; because, without knowing the nature and extent of the evil, it would be impossible to provide a proper remedy.

A thorough reformation, he said, if the facts stated by him were true, (which he believed would hardly be controverted) became absolutely necessary. The constitution must be brought back to its first principles. Pensions, sinecures, and all the engines of a corrupt government, must be totally abandoned. The Augean stable must be thoroughly cleansed; public spirit must be cultivated, encouraged, and nourished by those, who hold the reins of government, and private and personal interest made to give way to that of the public state. But we have lost the man, said he, who was equal to the accomplishment of this Herculean task (lord Chatham). Alas! he is no more; we have lost the man, who, by his example, was capable of sowing the seeds of public virtue, of bringing it to maturity, of calling it into the service of the state, and to the most glorious purposes. While we had that man, whom I esteemed as the palladium of his country, I looked upon this island as invincible; since he went, like the Trojans, I begin to despair. Yet we should not become desperate, but resolve wisely to employ the means still in our power. Let us but once get rid of this American war, and I doubt not, but we shall be still able to counteract the designs of all our enemies. The point he should particularly speak to was, how we were to extricate ourselves from our present difficulties, and avoid the absolute ruin of the empire. This he thought, depended chiefly upon putting a speedy end to the American war, and the mode of doing it. To determine which, it would be necessary to take the question in three different points of view, as presenting so many different measures. Should it be effected, by adopting a new system of coercion? By declaring America independent? Or determining nothing as to the second question, and only withdrawing our fleets and armies?

On the first of these he asked, would it be wise, to risk further events, which might lead to defeat and inevitable ruin? Here he contrasted the state of this country, at this time, with what it was at the commencement of the three last campaigns. Were our armies more numerous, or better disciplined, after the loss of so many thousands, than before we lost a single man? Were our finances upon a better footing, after expending 35 millions, than before we spent a shilling? Was America weaker now, when joined with France, than when she contended with us single handed? Or was the distance lessened, and the winds and waves become more obedient to our command? Had we now more experienced generals or admirals? Had we procured new and powerful allies? Were we better united? or were ministers more fully confided in? These questions, he said, must be uniformly answered in the negative. What, then, could be our motive for prosecuting a war, under such apparent disadvantages? The general answer given was, that any war, however dangerous or expensive, was preferable to an inglorious peace. He contended, that the word 'inglorious,' was merely a relative term; that it referred to the existing circumstances, or meant nothing. What might seem an inglorious peace, under some circumstances, might prove a wise and honourable one under others. On this ground, he should think going to war (the events of which no man could foretel, and which, if unfavourable, must end in the ruin of this country) would be a very hazardous experiment; the risk and the probabilities ought to be seriously considered, and the advantages and disadvantages balanced. For his part, so far as America was concerned, he was well satisfied that a war, merely taken up for conquest, or unconditional submission, must miscarry. He therefore conjured their lordships to look with attention at the present situation of public affairs; to recollect the bad success of almost every measure pursued against America, and the present effect and probable consequences of the war, to the commerce, character, and glory of this nation.

With regard to the second question, the declaring America independent, it was what struck him, as the wisest step to be taken, as matters now stood. Do it fairly, do it fully, and then we shall have leisure to punish France for her perfidy, and to recover ourselves from the danger we have long been exposed to. It was madness to persevere in pursuing an object,

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now become utterly impracticable. America might yet court a political commerce with this country; if not, she might find it her interest to form a commercial one; and though she should decline either, he thought it much better to cease hostilities against her, because if we could derive no advantage in the way of friendship, measures of force must inevitably terminate in our destruction.

The third question, that of withdrawing our fleets and armies, substantially amounted to the second, which could not be put in practice without a tacit acknowledgment of American independence, though not an avowed one. Besides, withdrawing the troops without such an acknowledgment, would bear the appearance of a dormant claim, suspended, but not relinquished and would create a jealousy and ill-will, little short of a continuance of actual hostilities. What he now said contained his real sentiments, abstracted from any views of party or any other motives, but an anxious desire of rescuing his country from the ruin which seemed ready to burst on it. He was convinced, however prevalent a contrary opinion might be, this country could never recover its former glory and lustre, till the government was new modelled; how far that might be practicable, he did not pretend to say. He concluded by assuring their lordships, that he should be extremely glad to agree with the Address, were it in his power to do so, consistently with his conscience; but he could never think of approving of any system of war, which would directly or eventually go to advise his Majesty to a further prosecution of that against America.

The Earl of *Bristol.* My lords, it is with the greatest concern, that I find myself obliged to oppose an Address which seems to convey any appearance of expressing our attachment, affection, and duty for his Majesty. Nor would I now do it, did I not feel a consciousness that every action of my life has been such as must convince the whole world of my invariable attachment to the King and his family; which is firmly rooted in my heart, and was in my earliest days nourished by the principles of Whiggism, that has ever distinguished my family, and from which no consideration whatever shall make me deviate. I therefore rise, my lords, to tell you my reasons why I cannot give my assent to such an address as this is; an address that comes here drawn up by either the ostensible or the hidden minister, to echo back his own words that we have just heard from the throne, and which are now to be sprinkled with fulsome commendations of his own destructive counsels; which counsels have nearly brought these once flourishing kingdoms to ruin. No, my lords, let us, as has been the custom of former parliaments, at least suspend such shameful adulations, and first enquire into the heavy burthens the people groan under, the causes of the loss of the greatest part of the empire, the disappointments of our armies by land and sea, the alarming situation of the fleet, the occasion of the loss of a whole army at Saratoga; the dismission of so many commanders in chief by sea and land, without any reasons assigned, by which the nation is deprived of judging to whom they are to impute all these sad disasters. Let these, my lords, be the objects of our enquiry, if you wish to prove yourselves the guardians of the people, instead of being thought the hired dependants of a minister; and according to our resolutions formed upon an impartial scrutiny on these heads, then propose such a dutiful address to the throne, as the voice and sufferings of the people call for.

My lords, the grievances of the people are innumerable, and spring from a chain of disappointments that have been brought on by counsels, which prove the counsellors unworthy the trust reposed in them. The heavy burthens which the people groan under are such as I need not describe, they are too sufficiently felt by every man in the kingdom, who does not partake of those emoluments, pensions, and perquisites, which are so lavishly scattered upon the betrayers of the people. The loss of the greatest part of the empire, alas! my lords, that is also too obvious to need my reciting; let the blood and treasure hourly ebbing out of these kingdoms, and which are sent 3,000 miles across the ocean, vainly to endeavour to protect the little remains of a vast continent, prove the truth of that assertion. The disappointment of our arms by land and sea needs no other proofs than the different manœuvres of our great army in America, and the untrophied return of our fleets into port every where. The alarming situation, and almost total ruin of our navy, is well known, and is what I shall take some other opportunity to expatiate upon. The dismission or recall of so many commanders in chief by land

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and sea, without any enquiries, is unheard of, and whether they were dismissed, or had leave to return to their commands, if they are superseded by others, before the busy scene of action is closed, it is much the same; if no leave is given for such dismission, we must suppose those officers hardly, cruelly, and unjustly dealt by, because it leaves a suspicion which you thereby deprive them of the power to wipe off.

My lords, I could enumerate evils that have sprung from each of these different heads, that would employ the whole day, as I could upon some others of as great consequence with regard to the fleet, but which I shall take some other opportunity for. I see in the countenances of many of your lordships, that these evils are too generally known and felt, to require my further dwelling upon. And I am certain that many of your lordships, who formerly thought it necessary to support the ministers, by way of giving them what was called a fair trial, have since condemned almost every step that has been taken in consequence of such support. Do not therefore make yourselves farther accessary to the crimes of such ministers, by continuing that support, but endeavour to atone for the past by uniting in delivering the King and the nation from the continuance of such pernicious counsellors. I therefore hope, my lords, you will suspend any address, till you have taken the present state of the nation into your consideration, and then found one thereupon.

The Earl of *Effingham* condemned the Speech and the Address in the strongest terms. He said the minister had put words into the King's mouth, which tended to hold forth an idea, that parliament had planned the measures which had for a series of years been pursued respecting America. The contrary was notorious; parliament had been kept in all possible ignorance by administration, who alone had planned those measures which had proved so destructive to Great Britain, and to which the loss of America was solely ascribable. That all along indeed, the ministry had artfully endeavoured to colour their bad policy, under the name of the King, and under the authority of parliament. That they had presumed to say the whole war was planned by his Majesty, whose plan it no more was than it was his. His Majesty had too much generosity to have schemed a system so opposite to every idea of liberality, justice, and humanity. So far from attempting to conciliate matters, administration had, from the commencement of the war, done every thing to aggravate America and widen the breach between her and the mother country; that therefore what the speech called conciliatory measures, might properly be ranked among their vigorous and active exertions. He blamed them for their repeated assurances to parliament that France would not interfere, and begged them to recollect that they had heard again and again, from one side of the House, that France would certainly, according to her constant practice, take advantage of our embarrassements, and endeavour to retrieve her credit. The earl accused the first lord of the Admiralty of having failed in his promise to the House respecting the state of the navy. That noble earl had declared, that in his opinion no person ought to hold the office of first lord of the Admiralty, unless he always took care to have at home a larger force than the House of Bourbon could send against us. Had this been the case as yet, although only one branch of the House of Bourbon was in arms against us? On the contrary, were we not inferior every where? That was, wherever our fleets met the fleets of France. His lordship spoke of the affair off Brest; and after having adverted to various other particulars, concluded with objecting to the Address.

The Earl of *Suffolk* said, that the noble earl (of Coventry) had opened his speech with saying, that he never retracted his opinion respecting America. He could truly affirm the same. The noble earl had likewise imputed all our misfortunes to the corruptions of the times; and supposed, that no measures of state received the sanction of parliament, till preceded by a thorough reformation. For his part he could answer for one, that his conduct was not influenced by any such motives. He had neither pension, sinecure, nor reversion, and he could safely add, though placed in a very high office under his sovereign, he was unconscious of being actuated by any other motives, but a zeal for the interests of his King and country. When, therefore, he gave his sentiments, either in his official situation, or as a member of that House, he should continue to give them without reserve; little regarding what interpretation might be put upon them; being perfectly satisfied of the rectitude of his own intentions. The noble

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earl said, that several noble lords who supported the American measures, had been taught by experience to give them up: it might be a very good reason; but since the last session, circumstances had changed, that reason might operate with several other noble lords to change their sentiments, on account of a different face of affairs. The contest originally existed between Great Britain and her colonies; the grounds of contest were shifted; it was no longer a question, whether America was to submit, but whether she would accept of the most mild and equitable terms, even according to her own ideas; or be considered as an open enemy, in alliance with a perfidious and dangerous foe: so that although it might be the opinion of several of their lordships, that America some time since was not worth the risk and expence of recovering, as part of the dominions of the British crown, the question was now quite different; it was, whether we should submit to France and America, and permit them to dictate their own terms. In this view, the several negatives given to the motion plainly amounted to this: We will not support you against France; it being, in the present state of affairs, impossible to separate, even in idea, France from America. Indeed, the Congress have told the commissioners directly so; it is evident, therefore, that putting a direct negative to the Address, would be no less than submitting to any terms France might think proper to describe; and that at a time, when a contrary conduct was so obviously necessary, for the maintaining the honour and dignity of the crown, and promoting and securing the prosperity and safety of the kingdom. The best way, in his opinion, to obtain a secure and honourable peace, was to convince our enemies that we were both willing and able to pursue the war with vigour. The noble lord had much insisted on the deplorable state of this country, both in respect of its domestic situation, and its state respecting other powers. He had talked much of the situation of America, and pointed out three different modes of extricating ourselves from our present difficulties. The first by coercion; the second, by declaring America independent; and the third, that idea long since exploded, of withdrawing our troops and armies, which was indeed involved in the second, the proposition which exclusively met the noble earl's approbation. God forbid that he should ever be a witness to that House avowing the independency of America! Would his lordship, who had said so much to prove, that a plan of coercion was impracticable, infer that we were incapable of continuing the war? Would he infer, that because from adverse accidents, we had not met with that degree of success our exertions gave us reason to expect, that America was irretrievably lost, and for ever lopt off, from this country? If the noble earl was fully of that opinion, he begged leave to assure him, that the contrary was the fact; and, that his conclusions must of course prove erroneous? We were, he confessed, surrounded with numerous difficulties, and threatened with great danger; but our resources were not exhausted, our spirit was not broken. We had more than once risen superior to greater difficulties, extricated ourselves from greater embarrassments, and surmounted dangers much more alarming, because immediately affecting us, as a free and independent nation. But supposing the noble earl's position to be ever so satisfactory and conclusive; the Address, as a measure of state, still stood clear of all ground of solid objection. The Speech imported no more than a communication to parliament of the danger of the kingdom from the perfidy of France. Could it be a question with that House, what was the proper conduct on such an occasion? That is, whether their lordships should assure his Majesty of their ready support, under the present circumstances, or without proposing any amendment, to meet the objectionable part of the Address, give a direct, unqualified negative to the whole. Another noble earl (Bristol) wishes only to suspend the Address, till an enquiry be made into the conduct of ministers: this is a most extraordinary proposition indeed; it has all the defects of a direct negative, under the idea of procuring a remote and uncertain advantage. For my part, I have no objection to a particular enquiry, so that it be properly conducted; but I would have it made in such a manner, that, if set on foot, it should not afterwards be defeated; that the two Houses being engaged on the same object, they should not clash with each other. As for general enquiries, I must confess, I do not much approve of them; they usually terminate ineffectually; if, therefore, an enquiry should be thought necessary, let it be specifically pointed; and so ordered, that all the declared purposes of it may be practicable, and fully attainable. The Address

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went no further than a general declaration to support his Majesty in a war against France: if a war with America should be involved in a resistance to the perfidious and insolent demands of France, that was not imputable either to the ministers, parliament, or the nation at large. It was a just war; it was now become absolutely necessary, as well for the sake of public security, as the preservation of our national interests; those, therefore, who voted for the Address, would vote for that security and those interests.

The Earl of *Derby* hoped he should not be charged with inconsistency of conduct, in voting against the address, for he still was steady to the principle first taken up and maintained by him, both in the other House and here, which was, that Great Britain, as the parent state, had a right to tax America, for certain purposes, and on particular occasions; such as either regarded the general defence of the empire, or were directed to its collective strength and the joint prosperity of the different parts of which it was composed. He was not ashamed to acknowledge, that he strenuously supported administration in the endeavour to establish that right: but finding the attempt to fail by the weak and impolitic conduct of ministers, and deeming it now totally impracticable, he thought it his duty to withhold his farther support from men unworthy of public confidence, and from measures, which must inevitably miscarry, he feared, in the most able hands. The moment of success was passed, and ruin would, in all human probability, be the consequence of attempting to catch at that, which was now for ever beyond our reach. He could not restrain the indignation he felt at the hints thrown out by the noble earl who spoke last, relative to the means intended to be adopted against America; which he presumed implied an intention of burning her towns, butchering her innocent and defenceless inhabitants, in cold blood; massacring old men, women, and every degree of the defenceless of both sexes, to the infant on the breast: of relying solely on the tomahawk and scalping knife, or in the language of the noble earl, upon a former occasion, the having recourse to those means which God and nature had put into our hands.—His lordship went into a general condemnation of the conduct of the ministry, respecting general Burgoyne. He likewise went into a detail of their shameful conduct towards almost every admiral and general who had accepted of a superior command, since the commencement of the contest with America. He described general Burgoyne as an officer who had done his utmost to serve his country, and who had been most treacherously treated, by those to whose ignorance and incapacity that fatal expedition under his command might be fairly imputed. Ministers had taken up measures by hearsay, and adopted them without examination; they planned by guess, and decided at random; their system was founded in doubt, and was now defended by treachery and deceit. The proposed war bore the worst complexion. Cannibals and savages would be ashamed of it. It was mean, it was cowardly, to punish when conquest was relinquished; it was a gratification of the worst and most unmanly of passions, being founded in that diabolical principle of doing mischief for mischief's sake.

His lordship next adverted to what had fallen from the noble earl who seconded the Address, respecting the distressed state of the manufacturers and mechanics; and said, he drew a very different conclusion from the same premises; for instead of their being reasons to go to war with France and America united, he thought they afforded the most self-evident proofs of the necessity of avoiding to rush blindly into a war, which, if prosecuted on the plan approved of in the address, must, instead of alleviating those miseries, increase them tenfold. This was a new mode of remedying one evil, by introducing another of infinitely greater magnitude. The noble earl had spoken only of the distress of the towns in his own immediate neighbourhood; he could contribute to swell the melancholy catalogue, and heighten the picture; there was not a manufacturing town in the kingdom, he believed, which had not in a greater or less degree felt the dire effects of the present war. The once-flourishing town of Liverpool, near which he lived, afforded a most melancholy proof of the innumerable mischiefs caused by the present war; it would have been ruined, but for the success of its privateers, and the uncommon spirit of enterprize with which its inhabitants of every rank united themselves; their efforts had, indeed, been remarkably successful. It however was a known fact, that there was an end to their good fortune. Privateering would not long continue a lucrative trade; the success could be felt but by a few, and when the benefits derived from it were scattered and

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sunk in the general mass, the former distresses of the merchants and traders would shortly return, a few fortunate adventurers only excepted.—His lordship returned to the mode of carrying on the war. It was true, our coasts were pretty well guarded; but let their lordships seriously reflect on the danger they would be liable to, from the depredations of French frigates, letters of marque, &c. in situations far distant from ports, places of defence, &c. in which event, the crews of those vessels acting upon principles equally humane, might in turn become the perpetrators of the utmost cruelty.—The earl declared he was so far from objecting to punishing the perfidy of France, that he really thought the speech did not describe the conduct of that court in terms sufficiently abhorrent. He begged the lords in office to recollect, that he was one of the first in that House to declare he thought the French rescripts an absolute declaration of war. He had so much of the Englishman left, that he felt a degree of indignation, scarcely in his power to keep under proper bounds, when he reflected on the mean, the unjust, the treacherous part which France had acted respecting Great Britain; that he was ready to join in any proper plan, to retaliate on a foe so totally destitute of every honest principle. That it was however right for their lordships to consider their ability and situation, as far as it regarded their desires to punish France; a man was not to run his own head against a stone-wall, in order to be revenged of another person. The present moment was unfavourable; it was neither politic nor prudent to attempt the chastisement of France just at this time. France had joined America; Spain was expected to join France; Holland as a commercial nation, would most probably enter into treaty with America; all the world might follow the example of France! Would ministers go to war with all the world? For if their sole reason for going to war with France now, was her having entered into treaty with America, the same reason might involve them in universal war. Let them consider our losses, the state of our finances, the state of our forces. We might almost be said to be without men, without money, and without an ally! His lordship, in the course of his speech, urged, in very strong terms, the necessity of a change of men as well as of measures.

The Bishop of *Peterborough*. (Dr. John Hinchcliffe.) It is a melancholy justification of their opinion, which those who differ from the majority of your lordships have this day in the event of their predictions, that what a few months ago was only probable conjecture, is now history; nor needed it the spirit of prophecy to foresee, that measures planned and persevered in, on partial and erroneous information, must soon or late naturally end in disappointment and disgrace. Would to God that the decrease of foreign empire were the only calamity we have to lament: unhappily for us, the same system of councils which have lost the empire of America, have likewise involved us in a ruinous war at home. I readily agree with the noble duke who moved this Address, in laying much of the blame on the perfidy of France. Her conduct has certainly not been consistent with the moral principles of truth or justice; but he must have little acquaintance with the history of mankind, who could trust altogether to those principles for security, against the interest and ambition of a rival state, whose professed objects are wealth and empire. It never could be reasonably expected that France, of so high a spirit as she is, should forget at once the humiliation of the last war, and neglect the favourable opportunity which we ourselves afforded her, to retrieve her credit and gratify her resentment. I presume not, my lords, however, to offer any opinion how far it be prudent or necessary to persist in a war with France. We seem to be in this untoward dilemma; either we must submit to the indignity which France has put upon us, or for the same reason declare war against every state that shall dare to acknowledge the independence of America. One thing, indeed, appears very evident, that in the present situation of our affairs, while it is seen that neither our force can compel, nor our propositions lull America into submission; when Great Britain is drained of her veteran troops, and Ireland in a state almost defenceless; when the coasts of France are covered with her armies, and her fleets are spreading over the ocean; when our national credit is so low, and the debt already so enormous; it is evident, I say, that we are not in a condition to contend against the united force of France and America. The attempt would be rashness, and the expence of even victory itself probably prove our ruin. I cannot, therefore, give my assent to the Address, because, although it is specious in its professions of support against the

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common enemy, yet it gives not the least reason to hope we are to withdraw our forces from America.

I must, however, beg your lordships will do me the justice to believe, that whatever may have fallen from me upon this subject, has proceeded from no personal or private view whatever; I know it is my duty to support the honour and dignity of the crown, as well as the peace and prosperity of my country. Happy had it been for both, if Great Britain, while possessed of these blessings, had but known their value, and been content to have enjoyed them, with an equal and grateful mind. Still more fortunate had it been for us, if the warning so frequently repeated had been attended to in time, to have prevented things coming to this fatal extremity: the only hope under God's blessing now remaining, is, that as we cannot but be sensible of our political errors, we may have virtue enough still left to acknowledge them; and that henceforth, laying aside for ever the vain idea of unconditional submission, we may once more return to those principles of moderation, which had raised this country to the highest pitch of glory, and which alone can ever render the government of it easy and secure, so long as we remain a brave and free people.

The Earl of *Sandwich*. I have been almost 40 years a member of this House, and do not recollect another instance, in which a negative has been attempted to be put on the Address in answer to the speech from the throne; for what does such a negative import, but that although his Majesty comes to parliament to seek the aid of his subjects, towards defeating and repelling the traitorous designs of France, openly abetted by our rebel subjects, the proposed negative substantially answers, "we will not?" The invariable mode of proceeding, when the contents of the whole speech is not approved of by any of your lordships, is to propose an amendment, by which the whole of the Address, but the title, is left out, and another introduced under the first title, recommending a contrary or a varied line of measures; or when only certain passages are objected to, by moving to leave them out; or lastly, when additional measures are thought necessary, by making an amendment which shall contain such additional measures. How does the case stand? Instead of keeping the title, and moving to leave out the remainder of the Address, of omitting certain passages, or adding or introducing another paragraph or paragraphs, we hear nothing offered this night, but a simple unconditional negative.

As to the Address itself, considered upon every principle of sound policy, it meets with my most hearty approbation, nor can I perceive a single objection of any weight, which can possibly be urged against it; unless an incessant desire of opposing every measure, suggested by the present administration, be sufficient to give energy and force to every thing which a captious desire to find fault may think proper to direct that way. I entirely unite with the noble earl in the blue ribbon, in his idea of the real question, and approve of his manner of stating it. "His Majesty has told his parliament, and told them truly, that the kingdom is in danger," and asks their support against France. Will any one of your lordships call himself an Englishman, and yet refuse your support against a foe, who without the least provocation, has broke through the faith of treaties, and not only has joined America upon principles of commerce, but has actually commenced open hostilities against Great Britain?

A noble earl (of Effingham) was pleased to remind me of what had fallen from me several times in the course of the last session. I am much obliged to his lordship for affording me an opportunity of clearing up the matter, and putting it upon its true footing. His lordship supposes that I said early in the last session, that I would undertake, at all times, to have a naval force equal to cope with, or superior to, any which the united efforts of the House of Bourbon would be able to bring against us. I confess, that these amount pretty nearly to my words; but then it must be considered, that this general opinion had relation only to the home defence; besides, it did not intend to imply any assertion, that we had such a naval force; but that we ought to have a force, at all times, equal to cope with that of the House of Bourbon. I am still of the same opinion, that we ought; nor do I hold myself responsible, as an official man, that we have not. I act merely ministerially, under the direction of his Majesty's councils, and can never therefore be deemed farther responsible, or bound by any engagement, than so far as I am enabled to perform it. The noble earl says, that so far from being equal to the united force of the House of Bourbon, we are inferior to a single branch of it, that of France. This I deny, and

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am ready to meet his lordship upon the proof. The western squadron, under admiral Keppel, was superior to that of France; the number that engaged it, was, it is true, equal; but in point of effective strength, ours had the superiority: D'Orvilliers was obliged to bring 50 gun ships to fill up his line; so that we had 30 ships of the line in the engagement off Brest, while France had only 28. Again, though the number had been equal, we carried 170 guns more than they did. When Mr. Keppel went out the last time, our superiority was still greater; for we had then 33 ships of the line of battle, among which there was an increased proportion of three-deckers, and of course of guns; which I believe amounted to upwards of 200 more than were carried by the French squadron; whereas that under D'Orvilliers never exceeded 28, all of 74 guns, or under, except two three-deckers. On the Leeward island station, admiral Barrington; at Jamaica, sir Peter Parker; and in North America, we were confessedly superior. The only place where we were inferior, was in the Mediterranean; there a naval force was not so much required, our fortresses being so well prepared; upon the whole, therefore, instead of France being either equal or superior, they fell very short of us, except in the instance already mentioned; we were most certainly considerably stronger than them in the Bay, and North America, which were the places which called for our most vigorous exertions.

Another noble earl (Bristol) has affirmed that our navy is ruined, nay almost annihilated; and that an enquiry ought to precede your lordships giving your assent to the Address. However high the noble lord may stand in the line of his profession, I differ from him both as to the fact, and of course the propriety of the deduction he has drawn from it, the necessity of an enquiry. I am not against an enquiry, upon a proper occasion, and at a convenient season; but I think enquiries are matters of a serious nature, and ought not to be taken up on every trivial occasion. Enquiries into the conduct of men in high stations, and superior commands, imply some foundation for censure, no matter who may be the final object of it; it therefore behoves your lordships to be persuaded, that such a ground exists, and not pre-suppose it does, upon loose discourses, floating opinions, and mere suggestions. All I can say, so far as it can be thought to reach me, is, that I shall never be the person to stifle an enquiry, or shrink from it myself. If however my opinion were asked, whether I thought there ought or ought not to be an enquiry set on foot? I should candidly answer, that I think not. I am ready to acknowledge, that the success of the western squadron has not answered the public expectation; but that no more renders an enquiry necessary, than any other event in which the fortune of war is known to predominate. I dare suppose, that the two gentlemen alluded to by the noble lord (admirals Keppel and Palliser) performed their duty gallantly and ably; and if they, in the issue of the day, fell short of the public expectation, it is only to be attributed to those accidents to which the naval service is more subject than any other; and which it was impossible for the utmost skill, zeal, and bravery, to remedy or prevent.

The noble lord has asserted, as a positive fact, that the British navy is annihilated. I am not ashamed to tell the noble earl, that he has been grossly misinformed. The British navy is not annihilated; but in a most flourishing condition. I am ready to acknowledge, that we were much too slow in our naval as well as military preparations; which tardiness, I am apt to believe, proceeded from a mistaken lenity, and from giving a degree of credit to the assurances of other powers, to which they were not entitled. I am thoroughly satisfied, if earlier and more decisive measures had been adopted, the revolt of our colonies would never have risen to the formidable height it has, nor brought along with it those alarming consequences which every friend to his country has reason to lament; but it should be considered, that the constitution under which we live does not admit of early and decisive exertions; that mixed councils are subject, from their nature, to difference of opinion; that the affairs of state are subject to various discussions; that the consequence of this form of transacting public affairs never fails to create parties, who entertain contrary opinions on the measures submitted to their consideration, the final effect of which is, that we are tardy at the commencement of a war in our operations, and often lose those favourable opportunities of availing ourselves of our native strength, which scarcely ever after return. But if the noble earl, or any other person, will say, that we have failed in point of preparation or expedition, or fitting out and augmenting

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our naval force, since France has openly avowed her intentions, I am ready to prove the direct contrary; for though hostilities, or preparations for them, only commenced in March, I can prove that the navy, at this instant, is in a more respectable state than at any former period within the same time. Nay, I am ready to prove, that in the course of the ensuing twelve months, which will be only the second year of the war, the navy will be nearly, if not entirely, equal to what it was in the fourth year of the last war; for in 1759, our whole force consisted of no more than 97 ships of the line, seven of which had been taken from the enemy; and I will be bold to affirm, that our navy, at the end of twelve months, will be little, if any thing, short of that complement. With regard to the best officers being recalled, I am at a loss to guess the noble lord's ground of assertion. No naval officer, that I recollect, has been recalled but Mr. Graves and lord Shuldham; neither of these admirals were recalled in the manner the noble lord describes, to be dismissed or disgraced; but merely to be employed upon other services. If others were recalled, they were recalled at their own request; the charge of disgrace or ill treatment, can apply to neither description; your lordships will therefore judge how far the noble earl's assertion is supported by fact.

My lords, I cannot help being much surprized at the mode of opposition given to the proposed Address; because, in my opinion, it falls little short of an act of political suicide: for it plainly goes to this, an abject submission to any terms which France may think proper to impose, or an actual surrender of every one of our dependencies, nay, of the kingdom itself. But suppose that we were willing to purchase peace, at what price would the noble lords opposite be willing to purchase it? The public prints, and general conversations, have talked of great concessions; they have, in some instances, been specifically pointed out. Now, allowing that peace might be purchased upon such ignominious terms, how could we be certain, that those concessions would not be followed by other demands of a more humiliating and insolent nature? Or, supposing that they would not, what surety could we have that others, when they found us in the temper of granting, would not in turn improve this conceding disposition to their own advantage; till at length every one of our possessions and dependencies, our commerce, and every other benefit, would not be desired, as a sacrifice to the ambition and avarice of our treacherous and inveterate enemies? The noble earl (Derby) asked, were we to go to war with the whole world? No, we are not to challenge the whole world, but if all the world will make war upon us wantonly, we must necessarily oppose all the world. [A little disorder.] Let noble lords understand me, I do not mean that all the world will unite against us, but only if they were to attack us, we must endeavour to defend ourselves; a person attacked will naturally resist his assailant. His lordship said, he would never consent to any concession whatever; recommended unanimity, and the most decisive and vigorous exertions; and said, he would give his hearty assent to the Address.

The Earl of *Bristol* said, he would never sit silent when such gross impositions were attempted to be put on their lordships, and the nation at large. He had declared his intention of reserving what he had to offer upon the subject of the navy for a separate day. He now repeated that assertion, and assured the noble earl, that however he might endeavour to misrepresent his words, or make little of such an enquiry, if the noble lord himself did not take some step to bring it before that House, he pledged himself, be his health ever so indifferent, he would do that friendly office for the noble lord. The enquiry, though directed to matters much more comprehensive, including the conduct of ministers themselves, he declared pointed to the conduct of the commanders in the naval engagement off Brest. The truth was, that Mr. Keppel assured him, he would never resume the command of the western squadron, till that affair was thoroughly enquired into, and sifted to the bottom. He could never think of serving with a man who had openly attacked him in the public papers by name, and had acknowledged it under his hand: the person he meant was the vice-admiral of the blue; and for his part, he thought the admiral's resolution was founded in prudence and good sense; for how was it possible that any success could be expected from persons serving under such circumstances of enmity, and so widely different in opinion? The noble earl had stated the number of ships of the line in 1759, and at the same time had artfully declined saying how many ships of the line we had manned and ready for actual service at present. Let

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lords recollect what was the language of the noble earl, the preceding year, and let them compare it with the present state of the fleets of Britain and France. The noble earl's plausibility and affected candour should not impose upon him. The noble earl talked very coolly, and pretended that he had no objection to an enquiry, though he would not move for one. By this conduct, the noble earl was guilty of a shameful neglect of duty. He should immediately have moved for an enquiry into the affair of the 27th of July, as the only means of preventing the interference of party or faction, to mix itself in the matter. The nation ought to be informed, and it was highly criminal to attempt to keep it in the dark.

The Earl of *Sandwich* said, he had not altered his opinion respecting the impropriety and inexpediency of an enquiry into the affair of the 27th of July, though he had no objection to an enquiry which might be directed against himself, in either his cabinet or official situation. If we had not actually come off victors, by destroying so many of the enemy's ships, the consequences were, in every other beneficial respect, equal to a victory. We obliged the enemy to retire into port; and when the squadron went out a second time, D'Orvilliers was no longer to be seen or heard of, by which means our commerce was effectually protected, and that of our foes almost entirely ruined. He was satisfied, that both the admiral and vice-admiral performed their duty; and how any implication of censure could lay on either party, till the affair was enquired into, was more than he had the sagacity to discover. No man living had a higher opinion of the admiral than he had, respecting his ability and gallantry as a seaman, and his veracity as a man. Upon the same ground, arising from a like degree of knowledge, he was justified in a similar opinion respecting the vice-admiral, who likewise, he had every reason to believe, acquitted himself with honour; besides, in the admiral's official letter, he expressed his highest approbation of the conduct of all the officers of the squadron, among whom the vice-admiral must of course be included. The commander in chief's letter, if no other ground of justification existed, was, with him, a sufficient reason for not calling for an enquiry. An enquiry, he said, would be of as bad consequence as a defeat, because it would divide the officers and seamen into factions and private cabals, according to their respective sentiments, than which nothing could have a worse tendency; but suppose it did not, such an enquiry would take up a great deal of time, would require the attendance of all the principal officers from their proper duty, whose presence and services against the common enemy would be wanting; and would in a great measure retard, and perhaps defeat, all the measures of the ensuing spring and summer. He did not speak speculatively, but from facts of which himself was a witness, and from a thorough conviction, that similar causes would produce similar effects. Such precisely were the consequences of the enquiry into the miscarriage of Matthews and Lestock, in the Mediterranean; the navy was split into parties and factions, the absence of the principal officers, present or absent on that day, was necessary, either as judges or witnesses, by which the naval armaments were neglected, or suffered to stand still; the enquiry raised a kind of commotion in the nation; and at the conclusion no one good purpose was answered, but the whole terminated to the dissatisfaction of the nation, and established no one rule whatever, which might serve to direct the conduct of naval commanders, or those serving under them, in future.

The Duke of *Bolton* said, he was for both a public enquiry into the conduct of ministers, and a particular one relative to the transaction which was the subject of debate. He entertained the highest esteem and respect for the admiral, whose name had been so often mentioned, was thoroughly sensible of the deserts of the vice-admiral, and was heartily sorry that there had been any occasion given for a difference of opinion between them. Yet he could easily conceive, as a professional man, that such a difference might arise. It was well known, that in naval engagements with France, it was the general plan with their admirals and commanders to avoid coming to an engagement; and when from necessity they were compelled to engage, it was equally notorious, that from the construction of their ships, and their mode of attack, which was chiefly directed against the sails and rigging, they had, except in very few instances, been able to avoid a decisive engagement: indeed, the fact was, that although many of our ships were enabled to come up, and force them to defend themselves, he did not recollect more than one or two instances, where the

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whole body, engaged with an equal, or nearly an equal, number of the enemy, came up time enough when the enemy wished to retreat or fly.

The arguments of the noble earl at the head of the Admiralty went to condemn all enquiries, however just or necessary; he said, that an enquiry would probably be the cause of splitting the navy into factions; that it would keep the officers from their duty; that it would produce a public ferment; and more than all, that it would retard the necessary measures for defeating the designs of the common enemy. These reasons militated against every enquiry, though attended with the most atrocious circumstances of treachery, cowardice, or criminal neglect. But the noble earl had referred, in support of his arguments, to the affair of Lestock and Matthews. Now, every material objection and inconvenience felt upon that occasion might be avoided; for the real cause of the difficulties so much pressed by the noble earl, might be easily remedied, by having the enquiry at Portsmouth or Plymouth, where the officers might, till real operations at sea became necessary, be employed in the discharge of their duty. In Matthews' and Lestock's affair, the great mistake was, that the court-martial was held at Deptford, by which means the inconveniences so much dwelt on were caused; and as to the difference of opinion among the officers, that was a matter unavoidable, because it was impossible to force the sentiments of professional men; in his opinion, therefore, the only sure means to reconcile them would be by a candid enquiry, by which every dispassionate man would be enabled to judge for himself, after hearing the parties in their defence.

His grace reminded the noble earl of his repeated boastings, and said, he was astonished to hear his lordship acknowledge, that decisive measures were not taken in time; that the fleet, previous to the declaration of the French minister, was not as strong as he thought it ought to have been; when he had heard the noble lord so often in the course of the American contest, pledge himself, that our navy was in a state every way answerable to the immediate services required of it; and likewise in such a state of preparation, that in case of a rupture with the whole House of Bourbon, we should be able to defeat their utmost efforts. His grace next turned his attention to the comparative strength of the British and French navy, and after asking whether the former was equal to the latter in the East or West Indies, in America, or the Leeward Islands, answered his own question with an emphatic No! He contended, that the superiority was against us, though perhaps we had it in number, and that only by two or three ships: but, supposing we had the superiority over the French single handed, what would that amount to? Would the noble earl confine himself to that single position, and endeavour to stifle the true question? would he dare to assert, that our navy was superior to that of France and Spain united? That was my argument then, and I now repeat the question. The Speech authorises me to put it, because, if the assurances of other powers are not to be entirely relied upon, then a negative to this question will be an acknowledgment that the Speech recommends measures which must of course terminate in our certain ruin and disgrace. He adverted again to the affair off Brest, and reminded their lordships of his argument in a former debate, wherein he maintained that a superiority was necessary to ensure success in naval engagements; and that superiority being wanting on the 27th of July, he was free to declare, was the chief cause of the national disappointment; for he would never allow that it was the number of ships or guns, but the condition, &c. of the ships, and every thing dependent upon it, that a real superiority was grounded upon.

His grace condemned the neglect of not having more admirals in the engagement off Brest. He said, there ought to have been five or six; that it was impossible to bring up the several divisions in thick or bad weather, particularly if the ships were scattered, or at a distance. There was always a difference in the sailing of them, and the greater or lesser celerity of their manœuvres, which might breed confusion. He made use of the same observation respecting the fleet under admiral Byron; on which, in case of any accident to the first or second in command, there would be but one flag to command 12 or 13 ships of the line, which was the more inexcusable, when it was known that there were no less than 41 admirals on the list. The noble earl had himself acknowledged that we were inferior to France in the Mediterranean—a most shameful and criminal neglect! The trade carried on thither, was one of the most valuable and beneficial branches of our commerce; it had been

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hitherto suitably attended to, and till the present war, had never been so disgracefully neglected. The noble earl had not been so ingenuous respecting our maritime force in America; he must know that we were inferior in line of battle ships to France, in that quarter of the globe, else why did lord Howe attempt one of the most officer-like manœuvres ever practised, in order to render his inferior force equal to that of D'Estaing off Rhode Island, to be the better able to give the signals, and conduct the engagement? Did he not hoist his flag aboard a frigate for that purpose? And did he not thereby exhibit a proof of his gallantry and ability, as truly magnanimous as it was original? He bore the warmest testimony to the courage and capacity of that very great officer, and made no doubt, if the plan had not been rendered impracticable, by the two fleets being separated by a violent storm, that it would have succeeded to the disgrace of France and the honour of the British flag. He insisted, that we were not superior in the West Indies, and as the best proof that we were not, he adverted to the late capture of Dominica.

His grace laughed at the idea held out by the first lord of the Admiralty, that we had more guns than the French in the engagement off Brest, on the 27th of July; and contended, that it was not a superiority worth mentioning; that to be equal in force, was to have 30 ships opposed to 30 ships, and so in proportion. He recommended, however, to the noble earl, to beware not to trust too much to an equal force. We had too much to stake on a decisive naval engagement, to trust to the manifold hazards such a species of warfare was subject to. The old vulgar opinion, that one English ship could beat three French, though our seamen deserved such a compliment, was dangerous to rely on; if such absurdities came to mix in our councils, certain destruction would be the consequence; it should be likewise considered, that France only contended for additional power, while we were compelled to fight for our all. America was at first to have been frightened into submission, by two regiments; afterwards it was to be conquered by 5,000 men; the consequence of which bravado was, that our numerous forces found the conquest of America too difficult a task for them to achieve. Let not their lordships, therefore, despise France as an enemy, lest in this instance, Great Britain should have much more serious cause to lament her ill-founded confidence, than she had already experienced in the case of America.

The Earl of *Shelburne* rose. His lordship's speech contained such a diversity of matter, that we shall attempt to arrange it under the several leading heads of facts and argument. These consisted of the gross impositions put on the sovereign; the treatment of admiral Keppel; the general conduct of administration; the folly and inconsistency of their measures as to the prosecution of the war in America; the inefficacy of the Conciliatory Bills of last session; the instructions given to the commissioners sent to America; the loss of Dominica, and the neglect of the sugar islands; the true political connection that ought to be kept up between the mother country and the revolted colonies; an eulogium on the high naval abilities of admirals lord Howe and Keppel; his own particular sentiments respecting the state of public affairs, and of party; and the means hinted at by the noble earl (Suffolk) for compelling America to acknowledge our claims of sovereignty over them.

The first head he introduced by several observations on the speech. It behoved their lordships before they consented to an address, which was a literal confirmation of every syllable contained in the speech, to be first satisfied that the assertions therein contained were true. Was there one lord in the House would say, that all those assertions were true? He therefore drew a very different deduction from the noble lords in administration, who say, that a general negative is an implied proof that the particular passages are unobjectionable, because no amendment has been proposed for the purpose of proving the truth of the objections; for his part, the contrary appeared to him to be the case; the noble lords on his side of the House have testified their readiness to agree to an address, but not that to which this concurrence is desired. After supporting the propriety of a general negative to the address, he said, he hoped the King's eyes would be at length opened to his own honour and dignity, and the interests of his subjects; nay, the very existence of this country as an independent nation. He must now, surely, see the impending destruction which seemed ready to fall upon his kingdoms; and persevere no longer in upholding men, whose wickedness, folly, and avarice, could only be equalled by their obstinacy, and that at

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the risk of his crown and empire. When in a very high office, he had an opportunity of being frequently a witness to the wisdom and gracious disposition of his sovereign, and confessed, that it appeared extremely mysterious to him, to reconcile his Majesty's conduct with his many known public and private virtues; but if his Majesty had been unfortunately misled, he trusted, that his paternal regard for his own family, his affection for a most amiable consort and 13 children, would operate upon him, and make him seriously reflect, and look forward to the probable consequences; that the present and approaching distresses which must every day continue to accumulate and press upon the people, whose prosperity and security were committed to his care and protection, would have their due weight; and that he would not, upon the suggestions of weak and wicked counsellors, or from any extraneous influence, rush blindly on in the same fatal career which had already brought the crown and empire of Britain to the verge of ruin; there must therefore be some invisible hand that secretly moved all those counsels, whom it behoved every honest Whig, within and without that House, to discover and bring to condign punishment.

On the second point, he affirmed, that Mr. Keppel stood in the most mortifying and critical situation. Mr. Keppel is offered a command by his sovereign, when the kingdom was threatened with an invasion. Too much a patriot to consult his own feelings, and too gallant to look forward to consequences, he accepts without condition, or any previous terms. What is the consequence? Mr. Keppel finds at home a first commissioner of the Admiralty, professing very different sentiments; a kind of rival, who might be supposed to look upon him with some degree of jealousy and coolness, because pointed out as the fittest person to fill the first commissioner's place. What is next to be considered? One of his officers, a vice admiral, sits at the same board, and was called to it by the first commissioner. Under such peculiar circumstances, sufficient in his opinion, to lay a foundation of the justest suspicions of faction, Mr. Keppel proceeds to the performance of his duty. He engages the enemy, and after a smart brush, prepares to proceed to a more decisive determination of the contest; when one of those gentlemen, unable to come up to his assistance, the enemy are permitted to escape. The gentleman alluded to publicly throws the blame on the admiral; and the noble earl very laconically tells us, that neither the admiral, nor the gentleman who accused him, were in the wrong; that there is no need of an enquiry; that the admiral himself gave testimony of the gallant behaviour of the vice-admiral of the blue; and thus by private whispers, public accusations, and general implied prudential motives, the commander in chief is as completely disgraced as if he had almost been brought to a public trial by his peers, and declared guilty. His lordship then proceeded to make the eulogium of both lord Howe and Mr. Keppel; the latter, he said, on his first going to sea, had saved his country by returning to Portsmouth, when he found that the French fleet was superior to him, his squadron consisting of 20 ships only, while the enemy's consisted of 30. This conduct proved that the seaman and politician united in him; that he acted as the saviour of his country on that occasion; and deserved to have a statue erected to him at the public expence, and the thanks of both Houses of Parliament; for if he had not acted as he did, probably their lordships would not be deliberating within these walls; two consequences being equally clear, that if he had obeyed his instructions (the departure from which was a matter he risked merely at his own peril) the great disparity of force must have rendered his total overthrow inevitable; the other, that we should have been instantly invaded by such a land force, as it would be utterly beyond our power to resist. He was equally lavish of his encomiums on lord Howe; who, he said, had acted with a mixture of gallantry, prudence, and seamanship, both at New York and off Rhode Island, scarcely paralleled in the naval annals of this country. Such men were public property; their services were inestimable, and, in his opinion, we had better lose another of our islands, than either of those men.

On the third head, his lordship dwelt on the want of wisdom in sending the transports to Philadelphia, after ministers must have known from their own instructions, that the city had been evacuated. Great praises had been lavished on the fine retreat made from thence by sir Henry Clinton, but when the truth was known, it would be found that it was accident, or rather the unpardonable blunder of administration, which was the occasion of that

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retreat; that it originated not in choice but mere necessity; for the fact was, that transports could not be procured; and that sir H. Clinton was, upon that account, obliged to go by land; or if he had waited a few days longer, both the fleet under lord Howe in the Delaware, and the army, must have been sacrificed, or obliged to surrender. Again, what were the instructions given to admiral Byron? To repair to Halifax, instead of proceeding to New York, to support lord Howe. The whole, he said, was such a series of blunders as never before was known. If, instead of amusing his Majesty with a naval show at Portsmouth, or the officers with catches and glees and kettle-drums, which show was exhibited early in May, the fleet had been detached; or, if after this exhibition was over, Byron's fleet had worked down the channel, he would have arrived in time to have joined lord Howe, or taken the command of the whole, which would have given him such a superiority over D'Estaing, as would have totally effected that officer's overthrow. He meant no disrespect to his Majesty, when he found fault with that show, for he knew enough of his disposition to affirm, that he would never have thought of it, much less have impeded the preparations then going on, if it had not been pressed upon him, perhaps to divert his attention from objects of a less pleasant nature to those who proposed it. It was, indeed, much insisted, about that time, that the wind was unfavourable for the squadron's working down from St. Helen's to Plymouth: but that was a farce, and the contrary was known to every foremast-man in the navy; a single ship, or a squadron of any number of ships, may with ease work down in gentle gales and a smooth sea; the truth of which was verified in admiral Barrington's working down under the same circumstances, and the Victory coming round from Chatham was a further confirmation. Under this head he likewise adverted to the conduct of sir H. Clinton, for whom he declared to have a very high respect, and made no doubt of his abilities as an officer, nor of the opportunities he had of learning the art of war, under the hereditary prince of Brunswick; but still he could see nothing extraordinary in the trifling repulse he gave the rebels, at the head of a superior army, and with the loss of 1,000 veterans, as good troops, and as well disciplined, as any in Europe: 1,000 men, he allowed, were nothing in the eyes of ministers. General Clinton, according to their mode of estimating matters of this kind, had just eighteen times as much merit as if he had lost his whole army; and that was the only comparative or relative advantage which he could perceive was the consequence of this famous retreat, which had been so extolled in the ministerial prints. This led his lordship to consider the conduct of government towards general Burgoyne. With regard to that gentleman, he said, he had been treated in the most extraordinary manner. He was charged with carrying measures into execution, which were wild, romantic, and impracticable, under the circumstances which accompanied them. He had neither the force promised him, nor the co-operation expected for their completion; the consequence of which was, that he and his gallant army were made prisoners. On his return to Great Britain, he was simple enough to be jealous of his honour, and retained some of those exploded sentiments, and old-fashioned feelings, which ministry wished to be forgot. What was the language of ministers? "Be silent, we do not accuse you, and no doubt but you have done your country justice. Perhaps you are uneasy about your army; why should that give you any concern? We shall not find fault; let the army desert or starve, what is passed cannot now be retrieved. Stirring up that affair may be productive of public clamour; it can answer no end, but that of embarrassing administration. Do you make no noise or disturbance; the affair will soon drop of itself, and you cannot fail of having your account in being under the protection of government."

On the fourth head, he said, the Conciliatory Bills were radically weak, both in respect of obtaining the ostensible purposes declared, and still, if possible, more radically weak, if they had succeeded; for the dominion or connection proposed by those Bills amounted to just nothing. There could be no real union upon such a discordant and contradictory system. A real union must be formed upon the plan of the British constitution, which at all times supposes one will, and every consequence and effect deducible from that will. To propose a plan of conciliation, in which that fundamental principle was abandoned, or openly or implicitly relinquished, was, in his opinion, no better than, under the idea of conciliation, introducing weakness and anarchy. A controlling power must

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be placed somewhere; its exercise, he allowed, might in some certain cases be ascertained and limited; but the analogy to the British constitution should be preserved; without a tie of common interest, common danger, and common protection, all government was a farce; the executive and legislative powers of this country being cut off from all real communication with the internal legislation of the several colonies, would form such a system of human polity as never before entered into the mind of man to conceive. The executive power may be delegated, not divided; the legislative may: but to the great purposes of government there must, according to the spirit and letter of the constitution, be but one will.

On the fifth head he laughed heartily, he said, at the idea of freeing America from every species of British taxation, and yet permitting deputies from the Congress to sit in parliament, for the purpose of taxing the people of this country. He was no less pointed upon the offers held out by the commissioners, of paying the debts of America, contracted in resisting the mother country, and in acts of what had all along been described by the majority of that House, as the grossest, blackest, and most unprovoked rebellion. He said, the appointment of commissioners, and giving them their instructions, was totally taken out of the hands of parliament, and yet the measures were solely attributed to parliament. Here his lordship digressed, to shew, that the Bills, the instructions, and the persons appointed to carry them into execution, exhibited so many proofs, that if the objects proposed by the Bills were previously intended to be lost, more effectual means for that purpose could not be adopted. The minister had put it into the King's mouth, that the late measures proposed by the commissioners to Congress, had been planned by the temper and wisdom of a British parliament, than which nothing could be more contrary to truth. The measures, even as they were chalked out in the Bill, were not planned by parliament; and though they had, the offers made by the commissioners were not the offers held out by the Bills. The truth was, parliament had passed an Act for the appointing of commissioners, but parliament neither had a share in their appointment, nor the instructions under which they acted. Parliament was kept in a state of the most profound ignorance, of the use which government meant to make of the power thus delegated. How did they employ it? Just in the manner predicted by several lords in that House, when the Bills came under their consideration, that they would abuse that power; that it was no more than a ministerial trick, to gain time; that they neither wished nor expected success from the commission; and, that they only meant to throw it out to divide the councils of America, to wait for favourable circumstances and events, and in the mean time to retain their power and places. How then, could it be said, that parliament planned the measures of conciliation, which were rejected; when it was evident, that they have done nothing more, than devolve their power on the crown, and left the exercise of those powers to the discretion of ministers.

He said, that he had dedicated a great part of his time, in the course of the preceding summer, to the perusal of books, particularly to such as treated of the conduct of kingdoms and great states, in difficult and trying situations. In those researches, he endeavoured to apply what had happened in former times to the existing circumstances in which this nation at present stood. The first object which would strike an able minister, after he had fixed upon his plan, was to devise the most probable means of carrying it into execution. This could not be in any other mode so effectually executed, as by sending able, wise, experienced men; men of high rank and tried abilities; men who stood high in the opinion of the public, such as Congress might be supposed to have a certain species of confidence in; that is, whose personal assurances would not only procure credit from those to whom they were sent to treat, but likewise of that degree of weight and consequence at home, as would ensure a ratification or approbation of such engagements, as they might think proper to enter into. He meant no personal disrespect to those delegated to treat with Congress; nothing could be farther from his thoughts. He had not the honour of a personal acquaintance with the noble lord, who went out at the head of that commission, nor with the other gentlemen, who acted under it; by every thing he could learn, they were persons of worth and character: but he would put the question fairly and openly to their lordships, if they were men of that particular description, which could promise success to so arduous an undertaking? Were they per-

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sons of that great weight, popularity, importance, and character for wisdom, fit to treat, or fit to procure the confidence of those with whom they were to treat? He was certain, that there was not a single lord present, who would pledge his word, that he believed the affirmative.

Among many others, he should advert to two instances, which he read lately, one drawn from ancient, the other from modern story, to shew the public prevalent opinions of two wise and renowned states, the one related by that celebrated historian Thucydides, the other by that great man, sir William Temple. The first was a description of the persons sent on a deputation from Sparta to Athens, who, as the historian remarks, were received with the most perfect attention and respect; and whatever they proposed obtained almost implicit credit; because, says the Greek writer, they knew the deputies to be persons of great reputation in their own country; that they were grave, wise, and experienced men, of public virtue and private integrity; and that whatever terms they offered or acceded to, would be approved of and confirmed by the state, who sent them. The second instance was that of the embassy of sir W. Temple, who, when sent to Holland at the conclusion of the last Dutch war, in order to enter into the measures for defeating the designs of France against that republic, was complimented by one of the States General on his arrival at the Hague, who told him, that he esteemed him the harbinger of fine weather, and sunshine, like the swallow. The Hollanders knew, that the appearance of sir W. Temple portended good; they knew his character; they were persuaded, that wisdom and moderation prevailed in the councils, which dictated the appointment; that he was not the tool of a junto or cabal, nor would submit to be the instrument of any faction, or party; they had before experienced his wisdom, his moderation, his firmness, his independent spirit; they might well, therefore, draw the most happy omen from seeing him; because they foresaw, that England was in earnest, and determined to be sincere. Would to God! cried his lordship, that we had another sir William Temple, who might go as a swallow to America, as the forerunner of summer and sunshine. He then observed, that most certainly, none but men of gravity, wisdom, high character, and great and tried abilities and integrity, should have been sent upon the errand; an errand or embassy, he would venture to affirm, taken in every one possible point of view, of the greatest consequence that ever was sent from this country. Indeed, as the noble duke, who moved the Address, had expressed such strong wishes for a reconciliation with America; he was surprised that he was not sent, in order to effect what he seemed to have so much at heart. He assured his grace, he meant it seriously, and should accompany it with this declaration, that at such a crisis, and on such an occasion, he thought no man at liberty to refuse the acceptance of such a trust, who should be applied to.

His lordship having held out the commission, the powers given by it, and the absurd concessions relative to the liquidating the debts, and giving deputies from the respective states, seats in the British senate, as part of those instructions, contrasted those extraordinary propositions, with the current language of parliament, since the commencement of the American contest. Parliamentary supremacy, unconditional submission, formed part of the daily boastings of ministers, in that and the other House. He reminded their lordships of what he had formerly told them, in the midst of this haughty, insolent, and vain-glorious boasting, that the time would come, when they would be compelled to alter their stile, when they would be obliged to sue in the most abject terms, to do penance in sack-cloth and ashes, and crave pardon of those very Americans, whom they had so insolently treated, and on whom they had heaped such signal oppression and injustice. The prophecy was already fulfilled. We had humbled ourselves, to use an expression of the noble earl high in office (Suffolk) at the foot of that vagrant Congress, which no man could say, where they were, or whither they intended to go next.

On the next head, that of the hint given by the noble earl in the blue ribbon, of the intended mode of prosecuting the American war, in order to compel the colonies to accept of terms; this, he had a right to presume, related to an intention of burning their towns, using the tomahawk, desolating the interior country on the confines of the back settlements, and carrying fire and sword among the defenceless inhabitants, among old men, women, children, and infants. This, he had a right to suppose, were the means which "God and Nature" had put into the hands of ministers [alluding

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to an expression of lord Suffolk' last winter] as the noble earl was silent in answer to the question put to him by a noble earl (Derby) early in the debate; and if any doubt had remained on his mind, a proclamation issued by governor Tonyn, in East Florida, offering a certain reward for every scalp delivered to persons appointed to receive them, put it beyond question. Of such a plan he expressed the utmost detestation and horror. He said, the plan was diabolical, horrid, impious, and inhuman; and called most particularly for the vengeance of Almighty God. It could not be men, but monsters that devised it. It was as weak and impolitic as wicked, barbarous, and unchristian; and if the language of ministers was to be believed, that France and America composed but one enemy, the conclusion was evident, that retaliation would be the consequence, and that instead of leaving our dependencies open to butcheries of a similar kind, our whole coast at home would certainly meet a like treatment, the French privateers would make continual landings on our shores, and desolate all our villages and defenceless towns; in short, the horrors, massacres, devastations, and bloodshed that would ensue, were shocking to think of, and must, in the end, draw universal execration and public punishment upon the bloody, cruel, and relentless authors of them.

His lordship proceeded, and spoke on the capture of Dominica, which, he said, would be probably followed by some other events of a similar nature. He said, the four islands, Grenada, St. Vincent's, Tobago, and Dominica, had but one battalion, composed of 171 rank and file; the whole West India islands but 1,200 effective men; and Dominica no more than 41 fit for actual duty, though there were 64,000*l.* spent on the fortifications alone, and upwards of 160 pieces of cannon and mortars on the island, at the time it was taken; which was not only a considerable loss, but a great mischief; as it answered every end of a military arsenal, and saved our enemies the trouble of transporting ordnance from Europe at a great risk and expence, for the purpose of carrying on either offensive or defensive operations. He dwelt some time on the loss that island was to this country, both in point of commerce and as a place of arms, particularly respecting its vicinity to the French island of Martinico, and the protection it would afford to our trade and commerce in that quarter of the globe, and the annoyance it must be the means of giving to that of our enemies. He assured their lordships, that our West India merchants were in a state of despondency, little short of despair; they were not only injured by what had already happened, but were infinitely alarmed at much greater mischiefs they had a right to fear. He instanced particularly the letter of Mr. Oliver as a proof of the situation of the West India merchants. He described Mr. Oliver as a most worthy and respectable character, notwithstanding the infamous and illiberal treatment which he had been honoured with in a certain daily print. There was not a doubt, but all the Leeward and West India islands must go, unless a speedy end was put to the war with America. The language of the planters certainly must be, "You, America, are the strongest, and you must have us." Let the King's servants reflect a little on the consequence of such an event. The West Indians generally came over to England, and spent their fortunes amongst us: there was scarce a space of ten miles together, throughout this country, where the house and estate of a rich West Indian were not to be seen. If the islands went from us, the possessors of the plantations in these islands must necessarily leave the kingdom, the revenue therefore would suffer materially. These, therefore, were well worth a moment's reflection in the minds of the King's servants. Let them also look at home, poverty and want of money were universal; estates were daily sinking in value; what formerly fetched from twenty to thirty, or even forty years purchase, were now sold for twenty.

His lordship complimented Congress greatly on their judgment, wisdom, and active and deliberative abilities. He said, they were well acquainted with the spirit of our counsels, the temper and disposition of those who conducted them, the means employed by them to direct and controul parliament, and their separate and collective views. Of this, they had given a great number of instances, and in none more than the reception they gave our commissioners, whom they knew were not armed with effective powers; but only sent with a view to break their late connection, separate them from France, and divide them, by creating faction among their leaders, in order to carry the favourite measures of their employers into execution. While he was up, he could not forbear taking notice of a passage, in a celebrated

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pamphlet, called Common Sense, where the author, among other observations equally sensible and shrewd, takes an opportunity of representing in terms of the strongest ridicule, the boasted advantages of the British constitution, which he describes in the following pointed simile. After the parliament had provided a set of iron bars and locks, for the purpose of restraining the King's prerogative, the members had gone down on their knees to his Majesty, and prayed him to accept of the keys.

With regard to France, her conduct was beyond all instance treacherous and unjustifiable. The case of queen Elizabeth's assisting the States of Holland had been mentioned by way of parallel, but it did not apply. Queen Elizabeth's reign, though he disliked the interior of it, was in all the great and material circumstances of government, wise and politic. That princess foresaw the consequences of the revolt of the United States, and she over and over again warned Spain of its danger, declaring that she must, if the matter was not put a stop to, be under the necessity of entering into an alliance with the States of Holland, and affording them assistance both of men and money. Was this at all similar to the conduct of France respecting America? Had France given us any notice on the subject? Had she previously urged the necessity of her regarding the welfare of her commerce, and therefore entering into a treaty with America? If she had, parliament were ignorant of any such intimation. Parliament had repeatedly heard the contrary. It had been the language from the throne, and the language from ministers in that House for years, that France had renewed her professions of amity, that common prudence would prevent her interfering, and that there was no danger to be dreaded from that quarter. France, therefore, if her conduct had been reported properly, was without an excuse. She merited the fullest vengeance of this country, and, no doubt, every one of his Majesty's subjects would join readily in endeavouring to check her career; so far, therefore, was he from thinking the Speech too warm in that part which related to France, that he did not think it spoke of her conduct in terms of sufficient indignation and resentment.

He said, the abject, disgraceful, and calamitous situation of this country was such, that instead of voting an Address, filling the ears of his Majesty with flattery and adulation, and complimenting ministers on that very conduct which had caused our misfortunes, it was high time that all parties united, and joined heartily in dragging forth to condign punishment, and, what was worse, to public execration, those ministers, those evil counsellors, whose weak and wicked advice had imposed on their sovereign, and led him into an accordance with such a system of injustice, impolicy, and inhumanity, as was unparalleled in history, and would eternally disgrace the annals of Great Britain. His Majesty, he knew perfectly well to be a prince of too noble, too gracious, too benevolent, and too paternal a nature, for it to be possible that he had himself planned the measures respecting America, as the ministry had dared to insinuate. It was not possible that he could look with calmness on the daily decrease of his dominions, could see the fatal effects of the American war, and resolve to prosecute so ruinous a project, unless his mind was poisoned by the pestilential councils of those men, who, having plunged us into the most disastrous situation, would still pursue their evil designs, and entail inevitable ruin on the kingdom, rather than forego their places. Sydney and Locke were the authors to whom our forefathers looked up as the oracles of good government. Those great authorities were now proved to be fallacious and ignorant pretenders, by the present wise, and self-taught set of Machiavels. In former days, the various departments of the legislative and executive branches of the state were kept separate; judges were confined to their juries, and to the distribution of justice, and not suffered to mix as members of the legislative and executive parts of government. Excepting in the case of judge Jefferies, of famous memory, he did not recollect a lawyer coming as a minister into that House, much more coming to take his seat like another Lord Chancellor, with his train-bearer behind him.

His lordship concluded with saying, that although he was of no party (the cause of which, he presumed, was, because he did not come into public life under the wing of any party) and preferred, and ever should, men to measures; that the conduct, temper, and apparent disposition of the present ministers, were so strongly marked with infamy, weakness, and wickedness, that he would cheerfully co-operate

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with any set of men, to drag them from their present situations, and render them the objects of example, by punishing them in a manner suited to their crimes and notorious demerits. The public had for some time fallen into a lethargy. Their stupor, however, was nearly at an end; it must of necessity be soon shaken off; and then, woe be to the authors of the impending ruin, and actual disgrace, with which this country was labouring and threatened! He entirely approved of the sentiments of the noble earl (Bristol) and should vote to have the Address suspended, till an enquiry was first had in order to ascertain the truth of the facts set forth in the Speech, and the propriety of adopting the measures which it recommended.

The House divided: Contents 67; Not-contents 35.

The Lords' Address of Thanks.] The Address was as follows:

"Most gracious Sovereign,

"We, your Majesty's most dutiful and loyal subjects the Lords spiritual and temporal, in parliament assembled, beg leave to return your Majesty our humble thanks for your most gracious Speech from the throne.

"We have the strongest sense of the importance of those objects which render the present conjuncture worthy of the most serious attention.

"The disturbance of the public tranquillity by the court of France, without pretence of provocation or colour of complaint, the clandestine assistance, the avowed support, the formal engagements which, at different periods, that court has not thought it inconsistent with its honour to afford to your Majesty's revolted subjects in North America, and to conclude with the leaders of rebellion, excite in our breasts a just abhorrence of the violation of every public principle which such a conduct manifests, and a determination to concur in every measure which may enable your Majesty to resent with effect, the hostilities committed on your faithful subjects, and the actual invasion of your Majesty's dominions in America and the West Indies.

"We beg leave to express our grateful sense of the tender concern for the happiness of your people, which has uniformly induced your Majesty to endeavour to prevent the calamities of war, and will make your Majesty desirous to see the return of peace, whenever it can be effected with perfect honour, and with security to the rights of this country.

"At the same time, we return your Majesty our dutiful thanks for your great care in taking the proper and necessary measures for disappointing the malignant designs of our enemies, and also for making general reprisals, and for the protection which has been derived from the vigilance of your Majesty's fleets to our extensive commerce, in most of its branches, while that of the enemy has materially suffered by the active and enterprizing spirit of our fellow-subjects; and we hope, although your Majesty's efforts have not hitherto been attended with all the success which the justice of our cause, and the vigour of our exertions seemed to promise, that consequences more adequate to both may result from the animated execution of firm and active councils which the time requires, and with which the spirited perseverance of the British nation has so often surmounted the greatest difficulties.

"It is with concern we learn that the conciliatory measures of parliament, have not yet had the good effect with your Majesty's revolted subjects, which was due to the wisdom and temper with which they were planned.

"In this situation of affairs, fully sensible that the national honour and security loudly calls for the most active exertions, we will strenuously concur in supporting your Majesty, that, under the blessing of God, means may be derived from the conduct and intrepidity of your Majesty's officers and forces by sea and land, and the yet undaunted spirit of the nation, to vindicate and maintain the honour of the crown, and the interests of the people of Great Britain.

"We return your Majesty our cordial acknowledgments for having called forth the militia to assist in the interior defence of this country: and it is with joy and exultation we hear the gracious testimony your Majesty is pleased to bear to the public spirit, the steady ardour, and love of their country, which animate that national force, and unite all ranks of your Majesty's faithful subjects in giving signal proofs, to all the world, of a loyalty and zeal which must render us safe at home and respected abroad."

The King's Answer.] His Majesty returned this Answer:

"My Lords,

"I thank you for this loyal and dutiful

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Address: the zeal you shew for my honour and support, and the firmness and vigour you manifest in the present conjuncture, cannot fail to produce the best effects; it must add confidence to my people, and encourage animated efforts to withstand, oppose, and subdue, every hostile attack upon the honour and interests of my kingdoms."

Debate in the Commons on the Address of Thanks.] The Commons being returned to their House,

The Hon. Mr. *Greville* moved an Address of Thanks to his Majesty for his most gracious Speech; to acknowledge his Majesty's paternal regard for the happiness of his people; and, in short, to echo back the heads of the Speech, with suitable expressions of approbation, and assurances of support. He prefaced his motion with complimenting his Majesty on his humane, his ardent endeavours for the restoration of peace in America, and his vigorous exertions for the protection of the trade of his subjects, and the interior defence of his kingdoms. He exhorted the House to unanimity in seconding his Majesty's measures, in order to disappoint the malignant designs of the natural enemy of this country, who, joining perfidy to enmity, had at first secretly, and, at length openly, assisted his Majesty's subjects in rebellion against him, contrary to the most solemn assurances of good faith; contrary to every tie that should bind states in amity, and contrary to the usage of nations in times of profound tranquillity. He enlarged on his Majesty's moderation, notwithstanding all these aggravated provocations, in preferring peace to the effusion of human blood: but he, at the same time, made a full display of the terrors of this country, when exerted in so just a cause as the suppression of an unmerited rebellion, and the punishment of violated treaties.

Mr. *Price Campbell* seconded the motion, and said, the conduct of America had made vigorous measures unavoidable, and that however different opinions might have been respecting America, yet respecting France there could be but one opinion.

Mr. *T. Townshend* said, in this dangerous crisis he should have expected to have heard the Address moved and seconded by gentlemen in responsible offices, who could have told the House in what they were to be unanimous; but these gentlemen had told nothing. Are we to fight France in America? He wished he had seen in the Speech, whether we were to continue armed against Spain. Are we to continue armed against Holland, the ancient ally of this country? As he had never expected any great success from our armaments, he could not express any regret at the disappointment. We are called upon, he said, to unanimously commend the plans, and to blame the execution. He must object to the words, "the earnest endeavours to maintain the public tranquillity." Those who began this war with America, he said, were the disturbers of the public tranquillity. And he remarked, that the Address contained no compliment to the militia, the officers of which had been scandalously neglected; and to such a dangerous situation was this country reduced, that our utmost exertions had been made, without procuring any adequate benefit. He concluded by moving an Amendment, "To assure his Majesty, that with the truest zeal for the honour of the crown, and the warmest affection for his Majesty's person and family, we are ready to give the most ample support to such measures as may be thought necessary for the defence of these kingdoms, or for frustrating the designs of that restless power which has so often disturbed the peace of Europe: but that we think it one of our most important duties, in the present melancholy posture of affairs, to enquire by what fatal councils, or unhappy systems of policy, this country has been reduced from that splendid situation which, in the early part of his Majesty's reign, made her the envy of all Europe, to such a dangerous state as that which has of late called forth our utmost exertions without any adequate benefit."

Mr. *Rice* said, he did not object to an enquiry; he even thought it necessary; but he did not approve of its being included in the Address.

Mr. *Fox:*

I rise, Sir, to second the Amendment made by my right hon. friend, because I wish as much as he does to promote an enquiry into the misconduct and incapacity of his Majesty's present ministers. I know that views of succeeding to some one of the offices filled by them will be assigned as the motives of my conduct in opposing them, but we are now in a situation which obliges me to neglect all such considerations. I think myself so

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loudly called upon by my duty to my country, that I will freely expose my character to public animadversion, while I pursue that line which my duty marks out. Nobody is more sensible than I am of the necessity of unanimity at this juncture, and I wish I had the opportunity afforded me of supporting the ministry with justice to the country: but that, Sir, can never be the case with the present; I know them too well to do so, and shall feel it my duty to give them every opposition in my power. I know that doing so will be called clogging the wheels of government at a time when they ought to be assisted by every man; but, Sir, they have reduced us to that paradoxical situation, that I must choose one of two evils, for they have not left us the power of choosing any good: it is a paradox in fact, and I will take that part which appears to me to be, though bad, the best; I must, consequently, use all my exertions to remove the present ministry, by using every means in my power to clog them in this House, to clog them out of this House, and to clog every thing they engage in while they continue in office; and I will do so, because I consider this to be less ruinous than to submit any longer to their blundering system of politics.

What, Sir, is our situation at entering into the present war with France, compared with what it was at the beginning of the last? England was then at the height of her happiness, and I may add of her riches and commerce; all her resources were fresh and untouched, and in the full vigour of strength; but at the beginning of this we have been engaged in a four years expensive, ruinous, fruitless war; and now that, by a complication of blunders, ministers have brought us to this point, they impudently call upon us for unanimity, and desire we should continue them in office, for that is the object of the Address—to blunder in a second war as they have done throughout the first.

His Majesty in his speech tells us, that our efforts have not been attended with all the success which the justice of our cause and the vigour of our exertions seemed to promise. The speech is allowed on all hands to be the speech of the minister; it is parliamentary so to consider it; and I will tell the noble lord that this assertion is not founded in fact—that the speech is false: that you have had more success than you deserved, and that you ought to be happy at the issue of your exertions, and contented that things are no worse; you have had every success that could be expected from the measures of the noble lord, and more, for you have escaped; your fleet was sent out under that brave and able commander admiral Keppel, twenty sail only to meet thirty ships of the line, that fleet on which your existence depended, and which alone stood between you and an invasion; the noble lord gave every chance of its being destroyed by inequality of numbers, and your navy at one blow totally ruined: it escaped; that could never have been expected. M. d'Estaing left Toulon and went into the Mediterranean; when his destination was no longer doubtful, no fleet was sent after him to where he might have been effectually stopped: he was suffered to go out again, and to proceed with the treaty and the French ambassador on board, which the noble lord well knew; he had an uncommonly bad passage across the Atlantic, and thereby you escaped in America; an event that could not have been expected. Admiral Byron was sent out to America at such a time that it was barely possible he should arrive in time to succour that brave and excellent commander, the noble lord whom I am happy to see now in his place: by his conduct he was able to preserve the fleet under his command, such as it was, and it escaped;—that too could not have been expected. I say, therefore, that you have had better issue in every quarter than could possibly have been hoped for, and that consequently the Speech not only asserts a falsehood, but throws an unjust, an illiberal censure upon the commanders employed in the service of the crown, which ought alone to fall upon the ministry.

What, Sir, does the Speech next insinuate? That the commissioners sent out to America have been equally censurable in not executing the "conciliatory measures planned by the wisdom and temper of parliament." What were those plans of parliament? for I never heard of them before. That the commissioners should be sent out in the dark as to every thing intended—was that the plan of parliament? That general Clinton should leave Philadelphia without giving the commissioners two hours warning, and that distrust should be saddled on them the moment of their arrival—was that the plan of parliament? That they should offer terms of reconciliation equally degrading

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to this country and unlikely to be listened to by Congress—was that the plan of parliament? I never heard of these plans before, and I now disclaim all share in them. Parliament formed no plans, but the ministry did, and we now see what they were; the Speech is a libel upon parliament when it attributes to us such pitiful plans; the Speech is slanderous and libellous in calling them plans of parliament.

Sir, of all the commanders employed by the present ministry, of all the officers who have served under them, let me ask where there is one who has not quarrelled with, and left them in disgust? In what single instance have the ministry succeeded? And surely no ministry was ever uniformly unsuccessful that did not plan unwisely: but there is a spirit of discord among them that frustrates every thing; the moment any person is appointed to a command, from that moment the ministry set themselves against him, from that moment he is counteracted, and at last forced to throw it up; happy if he can retire from their service before his reputation is lost in those expeditions which they first absurdly plan in the teeth of every difficulty, and afterwards will not suffer to be executed. There is a spirit of discord in the constitution of the present ministry which must ever have the same effect, and for ever prevent any thing succeeding under their hands; that spirit of discord in the administrations of this country has been the characteristic of the present reign, but it never flourished in greater perfection than at present; the ministry of to day have exceeded all that went before them in that respect; it has pervaded every branch of the service of the country, and, weak and disunited among themselves, disjointed and torn asunder, they laugh at opposition, and call upon us for unanimity. His late majesty was not one of those princes whom history dignifies with the title of hero; yet this country never was at a higher pitch of glory than during the latter part of his reign; because it was governed by a ministry so formed as to have in its constitution the principles of success; a ministry who knew the interests of their country, who were unanimous in the cabinet, and supported by the confidence of the people. What a melancholy contrast does the situation of the empire under that ministry form with the present! How will it appear under the pen of some future historian, whose subject shall be, not the glory, but the fall of the British empire. Have the ministers no regard to the fame of a master who has sacrificed every thing to their emolument or ambition? Will they entail infamy upon his name, after having robbed him of one half of his people? Instead of being celebrated for those virtues and abilities which have extricated states from dangerous convulsions, how will it sear the eye-balls of the prince to see the decline of his empire dated from his accession, and its fall completed within his single reign! His private virtues will in the lapse of time be forgotten, the character of the man will be lost in the character of the monarch, and he will be handed down to the latest posterity as the loser of his empire.

His Majesty, in the speech, takes a great deal of pains to shew that there is good cause for arming against France; his Majesty might have been spared that trouble; there is cause, and cause enough, to go to war with France; there was cause long enough ago; and that correspondence with America, which the speech calls 'clandestine,' has been known for years to every one of his subjects: when was it the ministry, in their penetration, found out this clandestine correspondence? but now that they acknowledge it is necessary to go to war with France, what power have we to assist us? I see none mentioned, I hear of no alliance: No man has a higher opinion of the spirit or resources of this nation than I have; but you cannot enter into a new war alone; this nation is not able to fight the whole world at once, and yet you hear not a word of any ally or of any support. This one circumstance, if there were no other, is such a damning proof of the incapacity of the present ministry, that I never will give my vote for an Address which pledges this House for the support of measures which they are to advise and direct.

Look at your situation now and what it was this time last year. What did the ministers then say, and what have they since done? They told you in the month of November that there were 35 sail of the line then ready, and that seven more would be fit for sea in the month of December: now this account must have been false; for in March you had only twelve sent to America with admiral Byron, and Mr. Keppel had only twenty; that makes 32 only—ten short of the number they themselves stated to you, so that the account

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given in them must have been false; or if they will say that it was not false, and that the other ten went to different stations, which I do not believe, then was the Admiralty sitting idle from November to March, without putting one more ship in forwardness, for more than three months, during which time France was employed in fitting out fleets in all quarters such as she never had before. They stated your fleet then to be infinitely superior to that of France, or of Spain, superior to them both together, but infinitely superior to either of them separately; that you were infinitely superior to them on every station: and yet, notwithstanding all this superiority at home and abroad, Mr. Keppel was sent out with only 20 sail to meet 30 ships of the enemy, and every possible chance given them of being destroyed: notwithstanding our superiority and forwardness, Mr. Byron was not sent after M. D'Estaing (who went out the 13th of April,) until the 5th of May: and notwithstanding our superiority in every quarter, the noble lord who commanded in America was left without reinforcement, without even notice of the motions of the French, to fall a prey, if fortune and his own conduct had not prevented it, to the fleet of France. But the whole of their conduct is well known to the world: need I mention the sending of a fleet of transports into the Delaware after Philadelphia had been evacuated, a fleet upon which the existence of the army depended, and which nothing but the most extraordinary accident could have saved; need I mention the abandoning Philadelphia, the taking and keeping of which had cost so much—but, indeed, I will give some degree of merit to that, as far as it was undoing what had been done, those are the only measures in which the ministry ever had my approbation—yet, if it was to be done, Sir, why did not the commissioners know it? why were they sent out in ignorance, and exposed as wanting the confidence of their employers? on the moment of their appearance they were landed among the people with whom they were to enter into a negociation of mutual faith with the seal of suspicion fixed upon their commission: here again broke out the spirit of the administration, that spirit of discord which we never lose sight of; what opinion after this must America have of the commissioners? how were they to venture to treat with them? There was only one of the commissioners who could have had the ear of the people in America; he alone of the commissioners had been their friend in Great Britain; he was acquainted with the temper of the province of Pennsylvania; he built his hopes in going out entirely upon the temper of that province, and the moment he was landed you left it; you carried him away with you, and left those who were ill-judged enough to be your friends to fall an undefended sacrifice for their attachment: there again, the spirit of distrust and discord appeared; no steps were suffered to be taken towards a reconciliation; no plan was formed, no hopes conceived on any side, except the hopes, by amusing the House, of getting over the session here at home.

How all the schemes of the ministry have been formed, judge from their issue; but consider for a minute how critically ill-timed has been every attempt: terms of reconciliation were offered—when? at a time when you had been baffled, at a time when you were subdued, at a time when they had ordered your army into such a situation that it was obliged to capitulate: was that a moment to be chosen to offer terms? But look back to what the noble lord has told you himself; "he always intended a reconciliation, he always looked after a peace, and kept it in view." Did he, then, engage you in a civil war with your brethren in America till he should be tired of an active scene of administration? Where was the use of entering into a war for a peace which you had offered to you without it? But he will tell you, No, it was to find the best time to make your peace, to find the best moment to propose your terms; he looked for that moment, he was on the watch for such a moment, and you see the glorious golden opportunity he fixed upon for the deliberate execution of a concerted plan: Good God, Sir, are these hands into which you will trust the fate of your empire! Who can listen to such facts without indignation and contempt? And what man will join in an address to keep ministers in office who are capable of such mismanagement?

You have now two wars before you, of which you must choose one, for both you cannot support. The war against America has been hitherto carried on against her alone, unassisted by any ally; notwithstanding she stood alone, you have been obliged uniformly to increase your exertions, and to push your efforts to the extent of your power, without being able

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to bring it to any favourable issue; you have exerted all your strength hitherto without effect, and you cannot now divide a force found already inadequate to its object: my opinion is for withdrawing your forces from America entirely, for a defensive war you never can think of; a defensive war would ruin this nation at any time and in any circumstances; offensive war is pointed out as proper for this country; our situation points it out, and the spirit of the nation impels us to attack rather than defence; attack France, then, for she is your object; the nature of the war with her is quite different; the war against America is against your own countrymen; that against France is against your inveterate enemy and rival: every blow you strike in America is against yourselves, and though you should be able, which you never will be, to force them to submit; every stroke against France is of advantage to you; the more you lower her scale, the more your own rises, and the more the Americans will be detached from her as useless to them: even your victories over America are favourable to France, from what they must cost you in men and money; your victories over France will be felt by her ally; America must be conquered in France; France never can be conquered in America. The war of the Americans is a war of passion; it is of such a nature as to be supported by the most powerful virtues, love of liberty and of country, and at the same time by those passions in the human heart which give courage, strength, and perseverance to man; the spirit of revenge for the injuries you have done them, of retaliation for the hardships inflicted on them, and of opposition to the unjust powers you would have exercised over them; every thing combines to animate them to this war, and such a war is without end; for whatever obstinacy enthusiasm ever inspired man with, you will now have to contend with in America: no matter what gives birth to that enthusiasm, whether the name of religion or of liberty, the effects are the same; it inspires a spirit that is unconquerable, and solicitous to undergo difficulties and dangers; and as long as there is a man in America, so long will you have him against you in the field. The war of France is of another sort; the war of France is a war of interest; it was interest that first induced her to engage in it, and it is by that same interest that she will measure its continuance; turn your face at once against her, attack her wherever she is exposed, crush her commerce wherever you can, make her feel heavy and immediate distress throughout the nation, the people will soon cry out to their government: whilst the advantages she promises herself are remote and uncertain, inflict present evils and distresses upon her subjects; the people will become discontented and clamorous, she will find the having entered into this business a bad bargain, and you will force her to desert an ally that brings so much trouble and distress, and the advantages of whose alliance may never take effect. What, Sir, is become of the ancient spirit of this nation? Where is that national spirit that ever did honour to this country? Have the present ministers exhausted that, too, with almost the last shilling of your money? Are they not ashamed of the temporizing conduct they have used towards France? Her correspondence with America has been "clandestine;" compare that with their conduct towards Holland some time ago—but it is the characteristic of little minds to exact in little things, while they shrink from their rights in great ones—the conduct of France is called clandestine; look back but a year ago to the letter of one of your secretaries of state to Holland, "it is with surprise and indignation" your conduct is seen—in something done by a petty governor of an island—while they affect to call the measures of France clandestine; this is the way the ministers support the character of the nation, and the national honour and glory; but look, again, how that same Holland is spoke to to-day; even in your correspondence with her your littleness appears

"pauper et exul uterque,
"Projecit ampullas, et sesquipedalia verba."

From this you may judge of your situation; from this you may know what a state you are reduced to. How will the French party in Holland exult over you, and grow strong! She will never continue your ally when you meanly crouch to France, and dare not stir in your own defence; nor is it extraordinary that she should not while the present ministers remain in place. No power in Europe is blind; none stupid enough to ally itself with weakness, to become partner in bankruptcy; to unite with obstinacy, absurdity, and imbecility. For these reasons, Sir, I am against the Address upon your table, and most heartily concur in the Amendment of my right hon. friend.

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Lord *George Gordon.* I am sorry to rise so soon after the meeting of parliament, in opposition to the measures proposed by administration; and I am more especially concerned that it should be against a complimentary address to our present sovereign, moved by one of his Majesty's lords of trade, and seconded by that very respectable Highland chieftain, the thane of Cawdor (Mr. Campbell.) But, Sir, many compliments cannot in reason be expected from the friends of liberty on this side of the House to that King under whose government the court of Great Britain has been rendered contemptible in the eyes of France, and the friendship, commerce, and assistance of America cut off, perhaps for ever, from his subjects. The distresses of the people at home, and the neglect of their possessions abroad, are becoming every day more apparent and intolerable, which render it impossible for me, as one of their representatives, either to compliment his Majesty, or approve of his conduct in such circumstances. Indeed, Mr. Speaker, to compliment his Majesty in his present situation, would tend much more, in my opinion, to illustrate the servility of the House of Commons, than to exemplify to the world any blessings of his government. Would his Commons congratulate him on his drawn battle at sea? Would they congratulate him on his retreat by land? Will they compliment him on the third year of the independence of the United States? Will they thank him for the honours and emoluments he has heaped upon his favourites during the course of the summer, particularly on the noble lord with the blue ribbon (lord North) the ostensible minister, at the dismemberment of the empire? Will gentlemen rejoice and be glad at this fresh proof his Majesty has given us in his speech of his gracious intention to carry on the war in America? Will they declare their readiness to impose more taxes on their constituents? And will they answer to his Majesty for the people paying them without a revolt at home? I mention the possibility of a revolt at home, because our constituents have borne much already; they have been patient and of long suffering. They have felt a gradual imposition of taxes, till they have become an intolerable oppression; they have seen the revenues of the kingdom lavished in pensions, to the most exceptionable characters. They have seen their trade with America cut off; and they have had a successful example of their fellow subjects revolting from the expensive government of England, to the protection of a wise and virtuous Congress. All these heavy calamities, with many more, which it would be tedious to enumerate, have been brought upon this country since the accession of the present King: which make me of opinion, that it is not just now a proper time to applaud his wisdom, or support his counsellors.

Much has been said of his Majesty's counsellors. I have opposed them in parliament with great constancy and firmness, and entertain as bad an opinion of their public capacity as any gentleman. But they are his Majesty's chosen servants, whom he has been collecting from the different parties ever since his accession—men, I presume, after his own heart. They proceeded in the war with our colonies according to his wishes, and America is now nearly lost to Great Britain. Their unhappy misconduct has rendered them contemptible to many of their fellow-subjects, and they have now little to depend on but his Majesty's favour and firmness. Yet, Sir, I see no prospect of a real change; for I do not believe his Majesty will be guilty of the ingratitude to abandon, at this crisis, his obedient servants in their distress; and I do not hear, or know, that the people are about to choose a congress or proclaim a protector.

The times, in my humble opinion, call aloud for a strong remonstrance to the King, setting forth our unparalleled grievances under his Majesty's government. When the people shew an inclination to demand redress, I will accompany them with the greatest pleasure; but I will not be seen complimenting when we should be calling to account. I am afraid, Sir, I speak too loud, as that may give an appearance of passion to what I assure the House are my most deliberate sentiments. I will say no more at present, but hope to see you rise yourself, Mr. Speaker, in the greatness of your authority, and oppose this designing, mischievous address to his Majesty, which will be doing great honour to your own situation, and to the character of the House, and to the dignity of the people—whom God preserve!

Mr. *Penton* could not sit still and hear things urged so very strongly upon so little ground. The navy was by no means in the state which had been represented. There were 30 ships of the line under Keppel, 12 under Byron, 3 in the West

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Indies, one in the East Indies, one in the Mediterranean, and one at Newfoundland, besides three in the docks and fit for sea.

Sir *John Wrottesley* asked, if the House was called upon for unanimity against France? If it was for war with America he could not give his approbation to it. All that could be done, he said, had been done. If 50,000 Russians were sent they could do nothing. He thought New York, Rhode Island, and Halifax, should be garrisoned, and the rest of the army brought away. He concluded by reprobating the terms offered by the commissioners.

Mr. *James Luttrell* acknowledged that the Address breathed a spirit of menace against France, becoming what Great Britain formerly was; but he hoped that no gentleman, however sanguine, would venture so far to deceive his Majesty, as to set forth, that a war was likely to be carried on with wisdom and vigour, while the conduct of it was entrusted to those ministers who had planned all our former humiliating campaigns. We had seen a squadron employed a whole campaign, to overtake an enemy that could never have passed the Streights of Gibraltar, had our Mediterranean fleet been seasonably reinforced. While ministers seemed intent on nothing but to gratify their inhuman revenge against America, we had seen the East and West Indies totally neglected, and the dearest interests of Great Britain sacrificed. And yet, could it be said, that any one advantage had been gained? On the contrary, during the last boasted campaign had not Dominica been lost, and Philadelphia evacuated? The paltry island of Miquelon, which a score of row-boats manned with British sailors, would have reduced, had employed the attention of one or two capital ships, besides frigates, of the royal navy; and the burning two or three fishing towns, plundering the inhabitants, and putting to death a party of American soldiers sleeping in their beds, were among the conquests that had filled the London Gazette, and been circulated in triumph through all the British dominions. Was the nation to be any longer disgraced with such victories as these? What heroes on earth, acting under the orders of such a pitiful administration as could give countenance to ravages and carnages like these, could lead to victories of a nobler kind, the defeat of armies and navies? He concluded with hoping, that parliament would no longer suffer the men, who had lost America, to blunder the operations of war into more defeats and disgraces, till France and Spain, as well as America, should dictate what terms they pleased to Great Britain, and the poor bankrupt inhabitants filled the streets with cries for any peace whatever.

Mr. *Burrell* declared his approbation of the amendment. The ill conduct of the war had brought on the wretched measure of sending commissioners. The resources of this country were still great, though weakened by an undecided line of conduct.

Mr. *Wilkes*. Sir, I have given all the attention of which I am capable to the Speech delivered from the throne, and since, according to our forms, twice read by you, Sir, to this House. I am unhappy that I find myself obliged to remark, that there are scarcely more than two particulars in the whole speech, from which I am not forced to withhold my assent. They are, that we are called together in a conjuncture, which demands our most serious attention, and that a restoration of the blessings of peace ought to be our first wish, and the great object of our endeavours. The conjuncture, Sir, must, indeed, be allowed to be most critical, and peace is not only desirable now, as at all times, but in the present period appears of absolute necessity to save this convulsed state from impending ruin. Thus far, I believe, a real unanimity prevails; but let me proceed. It is asked by several gentlemen, how is peace now to be obtained? Can any man point out to us a mode of restoring to us that blessing? I will hazard, Sir, an opinion, of which my own mind is fully convinced. The measure appears to me the only possible way of salvation to this country in the present dreadful dilemma; a dilemma into which we have been precipitated by ministers, whose conduct calls for the strictest enquiry, and the forfeit of whose heads, if the guilt lies at their door, can be but a poor amends to a ruined nation. The proposition is indeed most humiliating, but, if founded in necessity, the consequent national disgrace is solely to be attributed to those who created that necessity. I believe the acknowledgment of the independence of the revolted colonies is the only measure, which can re-establish a public tranquillity. I sincerely think it would both with America and France, and probably prevent a future Spanish war. It would at this moment, perhaps, shut the temple of Janus. From the tyranny and mad conduct of an incapable and wicked

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administration, it is become the measure of a fatal necessity, if we are in earnest to preserve in any degree of prosperity what remains, if we would save our country from the brink of ruin, if we seek to avoid absolute beggary and bankruptcy. An universal discontent now prevails. The people have no confidence in administration. They are detested by the nation, and therefore continued in power. We sigh over American affairs, and all parties agree in lamenting that so little has been done by our fleets against France, after such an amazing expenditure of the public money on the navy.

The hon. gentleman, Sir, who moved the Address, told us, that the Americans were determined to separate their rights from ours, to dissolve all connections between us. The fact is truly stated. They no longer consider themselves as embarked with us on board the sinking vessel of this state. They avoid us as a tyrannical, unprincipled, rapacious, and ruined nation. Their only fear is, that the luxury and profligacy of this country should gain their people. It was a long patience and forbearance they practised before the idea of being dissevered from the mother country gained ground among the Americans. They were driven into it by our injustice and violence. Repeated violations of their rights, accumulated injuries, wanton insults, and cruelties shocking to human nature, have brought about this wonderful revolution. Now it appears to me an impossibility to bring back the Americans to any dependance on this kingdom. Their first steps were marked by temper and moderation. They made the most humble and dutiful supplications to the throne, but at last were told, that no answer would be given. From that moment their minds were totally alienated. At the beginning of their justifiable resistance they were not in the least terrified *sævi formidine Martis*, when only peaceful inhabitants of the country, or of open towns and villages. Since the declaration of independence, firmness and vigour have governed all the counsels of the Congress. That declaration was made at a moment, which proved them strangers to fear, and in their idea superior to all the efforts of which we were capable. It was in July 1776, immediately after the safe arrival of the whole fleet of transports, victuallers, and store ships, without any loss or separation, and after his Majesty's troops under the command of general Howe had been landed upon Staten island, without any opposition or interruption, as we were informed by our Gazette. From that fatal æra has the Congress, or any one of the Thirteen United States, discovered the faintest wish of returning to the obedience of our sovereign? No man will be bold enough to assert it. On the contrary, the Americans have increased in their hatred of us, and aversion from the yoke of bondage, which we were preparing for them, since we have brought into the quarrel the mercenaries of Germany, and the savages of America, since plunder and cruelty have marked the progress of the royal army and its allies.

I will state our present situation with respect to North America. Torrents of noble blood have already flowed in this quarrel; yet the few conquests we made, we were obliged to abandon. Towards the close of the last year, we congratulated ourselves on the taking of Philadelphia, which was then called the most important city of North America, the seat of the vagrant Congress, in the insulting language of administration. Before the present year is half expired, pursuant to his Majesty's instructions, sir Henry Clinton evacuated Philadelphia at three o'clock in the morning, and escaped through infinite difficulties to New York, very judiciously avoiding the direct road, where he knew the enemy was in force. The Congress returned in triumph to Philadelphia, and congratulated the inhabitants of North America on the important victory of Monmouth over the British grand army, and the evacuation of Philadelphia, as they had before done on the evacuation of Boston by general Howe. They have bravely stood all the storms of adverse fortune, and are now almost sure of outriding the tempest. Sir, the Americans have suffered greatly; but their sufferings were supported with temper and courage, for they were in the cause of public virtue. They bore adversity like men of fixed principle and honour engaged in a righteous cause, and determined never to crouch to oppression. The war on their side was founded in the primary ideas of self-defence and justice. It is truly said by the great Roman historian, "justum bellum, quibus necessarium, et pia arma, quibus nulla, nisi in armis, relinquitur spes."

What is their present situation? A powerful ally has declared in their favour. The French declaration goes much beyond what gentlemen seem to apprehend,

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It is mentioned here only as acknowledging their independence, whereas the preliminaries announced at Paris on the 16th of December to the American commissioners by M. Gerard, in the name of his most Christian majesty, asserted, that he would support their independence by every means in his power. After this are we in earnest when we affirm, that there is any probability of their returning to our obedience, to unconditional submission, or to any submission? It is an object of belief too gross for the fondest credulity, for ignorance made drunk. If, before the capitulation at Saratoga, they rejected all our specious offers, are any offers now likely to be accepted? or can they be compelled? Will another British army ever attempt to march from Montreal to Albany? Will the batteries on Sullivan's island be again attacked? Will sir Peter Parker ever again judge it advisable to make an attempt upon Charles Town, South Carolina? Will he promise that if the troops can co-operate in the attack, his Majesty will again be in possession of Sullivan's island? Will any English general command in America an army better disciplined, better appointed, than sir William Howe's? A series of four years' disgraces and defeats are surely sufficient to convince us of the absolute impossibility of conquering America by force, and I fear the gentle means of persuasion have equally failed. We have, therefore, only the dernier resort of parting with our old friends, who can no longer be compelled, or persuaded, to stay. Policy surely warns us not to do it in a manner to force them into the schemes of our ancient enemies, to weaken, perhaps ruin, the mother country. To me it appears equally unavailing and indecent to bring a railing accusation against the old foe of this kingdom, to talk of the malignant designs of France.

No plan of negociation, Sir, has been left untried, but nothing has succeeded, for we find by the commissioners' manifesto of October the 3d, that they resolved on the decisive step of returning to England in a few weeks. After the sword and bayonet of honourable warfare had been lifted up; after the scalping knife and tomahawk of our assassin allies had been sharpened against our fellow-subjects, peace at last was preached by our ministers, and a commission for restoring the harmony and union between the two countries was determined upon. To add weight and dignity to the measure, the two Houses of Parliament were to give up to this important service three of their own members, as heralds of peace, that the sanction of a part of the legislative body might create an additional awe and reverence. To grace the commission, to captivate the rude members of the Congress, and civilize the wild inhabitants of an unpolished country, a noble peer (the earl of Carlisle) was very properly appointed chief of the honourable embassy to the Congress. His lordship, to the surprize and admiration of that part of the new world, carried with him a green ribbon, the gentle manners, winning behaviour, and soft insinuating address of a modern man of quality, and a professed courtier. The Muses and Graces, with a group of little, laughing loves, were in his train, and for the first time crossed the Atlantic. The next in the commission (Mr. Eden) was only distinguished by a set of principles wonderfully adapted to the spirit of coercion and cruelty hitherto prevailing, the principles of penal law. I have only heard of one other principle belonging to this gentleman, the principle, as well as practice, of passive obedience in the northern department. But, Sir, this gentleman carried with him the real secret of the negociation, and perhaps more extensive powers than were given to his colleagues. He knew of the order to evacuate Philadelphia, an order so disgraceful to our arms, so contrary to sound policy, long before it was suspected by either of the other commissioners; but he would not trust them.

The other commissioner (governor Johnstone) who was sent from among us, possessed a superior understanding, a happy temper, and a thorough knowledge of business. If success had been attainable, I am persuaded to his wisdom, prudence, and temperate conduct, England had been indebted for the restoration of the blessing of peace. But, alas! Sir, all the splendid and unauthorized offers of the commissioners were, without hesitation, rejected. The happy moment was passed. The hon. gentleman knows the real friendship I bear him, and the esteem I have of his rare and amiable qualities. In public life, I have always found him manly, firm, and consistent; in private, engaging, social, and friendly. Through the whole of this business he has followed the strait path of duty, and held one uniform language to us and to the Americans

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I have been so used to see him in the minority here, that he will excuse me, if I figure to myself that in America likewise he continued in a minority with the commissioners, and that many things were transacted which he disapproved, but to which he was obliged to submit. He might think himself precluded, as we are here by many strange acts of the present majority of this House. On that supposition I shall not scruple to treat the commissioners with freedom, and hold myself secure of his indulgence.

I mentioned, Sir, the unauthorised offers made to Congress. The commissioners went exceedingly beyond the powers given them by an act of parliament, the only source of their power. Did they, Sir, dare to accept secret powers from the crown more ample than those granted by the legislature? Their conduct is very suspicious. I well remember six propositions were held out to Congress by the commissioners' letter of the 9th of June. The three first, to consent to a cessation of hostilities by sea and land, to restore free intercourse as well as to revive mutual affection, and to extend every freedom to trade that our respective interests can require, were founded in the authority of the act of parliament, which created the commission. The three last were a direct usurpation on the rights of the legislative body.

An offer was made by the commissioners to concur in measures calculated to discharge the debts of America, and to raise the credit and value of the paper circulation. It was artfully worded, but perfectly understood, Sir, both in America and at home, that we were to take on our shoulders, already bowed down to the earth, the burthen of the American debts, of the mighty sums raised by Congress to fight their battles against us. The debts of the two countries were to be consolidated into one enormous mass, and provided for by a complaisant parliament in the same manner. So extravagant an idea must fill every man with surprise and indignation. I give the country gentlemen joy on this occasion. They never flinch from their master, however unrelenting he may prove to them, and to their country. They will now surely acknowledge with gratitude the fairness, the sincerity, the great tenderness, and kindness of their favourite minister. At the first rumour of an American war, the noble lord with the blue ribbon expressly held out to them a solid and substantial revenue by the taxation of America, in aid of their land tax, and other heavy burthens. Now, so far from attempting to lighten their load, he offers America to throw on the shoulders of England the additional weight of all her accumulated taxes. The most short-sighted of all animals is undoubtedly our country gentleman of the true tory breed. He has scarcely the sagacity of his pointer. Formerly he was very stubborn and restive, and could not be driven forward. Now he is perfectly tame, fawns on his feeder, and is easily managed. Mr. Pitt first seized him, and, after some little struggling, plunged him over head and ears in the German war. The noble lord has gone further, and transported him, weary and exhausted, beyond the Atlantic, where he is likely to continue much longer than he was in Germany.

The commissioners likewise agreed that no military force should be kept up in the different states of North America, without the consent of the general Congress, or particular assemblies. This was in effect making them a sovereign, independent state, if no military force is to compel the refractory, or quell the rebellious. This concession is certainly not warranted by any clause in the Act appointing commissioners, and was a manifest, unnecessary usurpation of the power of this pliant parliament.

The last offer is a gross affront to the very being of parliament, and to the people, who alone can constitute a House of Commons. The commissioners offer a reciprocal deputation of an agent or agents, from the different states, who shall have the privilege of a seat and voice in the parliament of Great Britain; or if sent from Britain, in that case to have a seat and voice in the assemblies of the different states to which they may be deputed respectively, in order to attend the several interests of those by whom they are deputed. In the three Conciliatory Acts not a syllable is to be found of any such intention in the legislature. Were agents from the different states of America to have a voice in this House to tax Great Britain, when by the same Conciliatory Acts they themselves, and America, could not be taxed?

It is possible, Sir, that the commissioners might be as little in earnest to secure effectually to the Americans what was offered, as they were at the time to demonstrate their good faith. They ven-

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tured, Sir, to assure the Congress, that the three Conciliatory Acts passed with singular unanimity. The contrary is known to be fact. I now, Sir, see many gentlemen in their places, who opposed all the three Bills. When a Bill of great importance passes with unanimity, I believe, Sir, that you think it your duty to give it a further weight by the addition of *nemine contradicente* in the Votes. In the Votes, Sir, you have not given that sanction to any of the three Conciliatory Bills. By the words 'singular unanimity,' an Englishman would conclude that this was the singular instance of unanimity that session, in respect to the three Acts, which were considered as one, and passed on the same day. The learned Scottish secretary of the commissioners must think differently, for I find eight instances, and perhaps there are more, in the same session, of resolutions and orders passed, and entered in the Votes *nem. con.* Of this number are those respecting the calling out the militia, the relieving the Roman Catholics from certain penalties and disabilities, and lord Chatham's Annuity Act. With the same regard to truth he makes the commissioners declare in their proclamation, that the French monarchy ever has been, and in its constitution ever must be, an enemy to all freedom of laws and religion. I own, Sir, I was surprised at such an assertion from a gentleman, who had acquired great reputation beyond the Tweed, as professor of moral philosophy in the University of Edinburgh. I thought that the French nation were formerly called Franks, from the freedom of their constitution. I have read in the best authors, that the people of France were wont to be bound by such laws only, as they had publicly agreed to in their parliaments, and that the people were consulted about the heads of all new laws, and after they had given their consent, they set their hands and seals to each article. Such was the power of the people, till the tyranny of their kings in later times swallowed up all the rights of that nation. I beg pardon, Sir, for this digression at so late an hour, but it was on a favourite topic, the rights of the people. I return to that important state-paper, the letter of the commissioners to the Congress, on the 9th June. The letter tells them, that "notwithstanding the pretended date, or present form of the French offers to North America, yet it is notorious, that these were made in consequence of the plans of accommodation previously concerted in Great Britain, and with a view to prevent our reconciliation, and to prolong this destructive war." This fact too is mis-stated. The conciliatory propositions were not made by the noble lord with the blue ribbon till the 10th of Feb. and the French treaty was actually signed the 6th preceding, and the preliminaries were agreed to Dec. 16. The parliament had been prorogued from the 10th of December to the 20th Jan., notwithstanding the strong opposition of the minority, for in that period peace might have been obtained. The truth of the case is, that France trifled with the Americans till after the news of the capitulation at Saratoga. There was much ill humour on both sides; but it was not improved on our part, as it ought to have been. A British general and an entire army becoming prisoners, made her believe seriously in the independence of America. Before that period, she had treated it as visionary, as a mere phantom of a heated brain. The weak, infant connection of France with America is at length grown into strength and maturity. Spain was more in earnest, and from the beginning had effectually assisted the Congress by vast supplies of every kind from the Havannah. The capitulation was signed at Saratoga on the 16th Oct. The news of that event came to Versailles the first week in December, and on the 16th preliminary articles were adjusted. France on that occasion from a strange inadvertency suffered a remarkable expression to be made public, that it was manifestly the interest of France, that the power of England should be diminished by the separation of America from it. This was the language of sound policy on her part. When the love of liberty in the French court was held forth in great parade, it became ridiculous in the extreme. We know that there is no more love of liberty in the French court, than in our own; but I rejoice that liberty will have a resting place, a sure asylum in America, from the persecution of almost all the princes of the earth.

The conduct of our ministers, Sir, has effected the separation of America. She never will return, nor are you equal to coercive measures. By the attempt you will bring on an immediate certain French, and probably a not distant Spanish war. I am alarmed for the consequences to this country in its present exhausted state. Will the first minister of finance tell us,

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that he sees his way through it, even for the next four, or six, years? I have fears even for our own honour and security, mentioned in the speech, as calling loudly upon us, when I consider our distracted and disunited kingdom, and compare it with the condition of the French monarchy, and the active spirit of a nation containing twenty-two millions of persons, united by affection to one sovereign. England, in conjunction with America, had nothing to fear. When some considerable merchants waited on the first lord of the Admiralty, his lordship said, I have ships enough, but want men. Can you provide them for me? The American resources are gone. Without her resources, all her weight even thrown into the opposite scale, that scale must preponderate. Acknowledge the independence of America, you have a chance of detaching her from France, of forming perhaps with her a most advantageous commercial treaty and foederal union. I really think you might then avoid a general war. Since the accession of the present King, I know that the first idea, the favourite object of the French court, has steadily been to bring the finances of that kingdom into perfect order; but the favourable moment of humbling her ancient rival, by the American contest, was not to be neglected. France has fatally succeeded. The fact cannot be dissembled, nor disguised. America is in my opinion irrecoverably lost. It is indifferent to her, whether you think proper to acknowledge her independency, or to call her children your subjects, and her provinces your colonies. The rest of the world will hear those appellations with derision. You will not be able to enforce any one act, except where your armies are quartered, and your fleets stationed. The very expence of those fleets and armies must exhaust this country. You experienced this for four years with raw, undisciplined farmers and countrymen. You are now to combat hardy, experienced soldiers. Let pride therefore yield to prudence, withdraw your fleets and armies, give up this unjust, barbarous, and destructive war, and enquire who deluded you into this unhappy system of policy.

The hon. gentleman, Sir, who seconded the amendment, in a divine strain of eloquence, scarcely paralleled, never surpassed within these walls, has treated the speech with merited indignation. He pronounced it false, demonstrated it to be so, and called it the King's libel on parliament. His was a most abundant harvest. He has left me a very small gleaning; only respecting the clandestine supply of arms said to be given by the court of France to the Americans. Sir, it was not clandestine. Frequent and considerable supplies were given in the most public manner, in the face of day. I had the honour more than once of informing this House, of several American armed vessels, and ships of war, being supplied with cannon, arms, powder, ball, and all warlike stores, from the royal arsenals and store-houses, both on the ocean, and in the Mediterranean. I gave the names of the ships and the other particulars at the time. Was this a clandestine supply?

Much miscellaneous matter has been produced, as usual, on this first day of the session. The honourable gentleman, who moved the amendment, has taken an opportunity of painting in their true colours the last race of our kings, whom he called the accursed Stuart race, the bane of England. I honour those genuine Whiggish principles, in which I believe him sincere and determined. No man, Sir, execrates the memory of those tyrants more than I do. Yet one remark in the present moment I cannot forbear. The Stuarts lost every thing for themselves only, their crowns, or their lives. The empire remained entire, unbroken in every part. Nothing was lost for us. Under the third prince of the Brunswick line, administration has already lost us half the British monarchy, and the rest seems mouldering away. Nothing appears stable, or secure, except the ministerial majority in this House. In the late glorious reign, the bounds of the empire were enlarged in every quarter of the world, under the auspices of a brave, martial, humane, and heroic sovereign. We are now ignominiously driven out, not only from some of our late acquisitions, but from the greater part of our ancient possessions. The enquiry into this sad reverse is surely our duty as the grand inquest of the nation.

Some remarks, Sir, were made by the honourable gentleman, who seconded the amendment, on the late publications from the families of two noble earls. He thought it clearly proved from the letter of the son, that the father, so long suspected of guiding the measures of the state, no longer possessed any controuling power, or even secret influence. He avowed an unbounded respect, and a kind

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of family regard, to the noble lord. I have the misfortune of differing in this instance very widely indeed with the honourable gentleman. I hold the public character of the noble lord in utter abhorrence; not from any personal injury, not from any national prejudice, but from his demerit as a minister. He made the inglorious peace of Paris.

Ex illo fluere ac retrò sublapsa referri
Spes Danaûm; fractæ vires.

He boasted of that peace in a great assembly. I heard him declare, that he gloried in it, and wished it might be inscribed on his tomb-stone, "Here lies the man, who made the peace of Paris." The expression was more striking than original, but the species of pride, which is founded in deep criminality, must be allowed to be of the first cast. He lost us Newfoundland, passed the odious excise on cyder and perry, by which the exciseman got access into private houses, violated the national faith with the king of Prussia, was guilty of scandalous profusion of the public money in negociating the loan of three millions and a half for 1763, and advised a cruel proclamation, by which he persecuted the brave free Corsicans, as I believe he has since done the Americans. These, Sir, are the grounds of the hatred, which I have always avowed. I agree with a late great statesman, that he has brought the king and kingdom to ruin. As to his influence being at an end, would to God, Sir, it were! Is the heir of that noble family being lately created an English peer, a proof of the father's now retaining no influence? Is the lieutenancy of a considerable county, given to the same nobleman, to be admitted as evidence that his power is extinguished? I give no private anecdotes. I state public facts, from a paper, which in such things only can be trusted, the London Gazette. I rejoiced, Sir, that the heir of that noble family was created an English peer, for I thought that the young lord's unspotted reputation, intrinsic merit, and great as well as amiable qualities, would reflect back more honour than he could receive from a modern peerage of this country; but I was persuaded that he owed his English peerage no less than his birth to his father.

A brave, but unfortunate general, Sir, urges us to an enquiry into the causes of the failure of the late expedition under his command, and he asks a parliamentary inquest. I am likewise for that enquiry. At the close of the last session he made the same request, which was refused by the same majority to whom he now prefers his petition. I have a high esteem for a parliamentary inquest, but there is a higher tribunal, that of the people, our constituents, ever ready to do justice to the oppressed and injured. As an Englishman, let him appeal to the people, and constitute the English nation the judges of his conduct and honour. He observes, that the time will come for an enquiry. It will certainly come in this mode, whenever he chuses to publish the papers, which he furnished to, and are now withheld by ministers. The Amendment moved to the Address goes still farther, and takes larger ground, including however that of the late American commander. It proposes to enquire into all the late fatal counsels which have brought on a dismemberment of the empire. The justice of the nation calls loudly for it, and therefore my feeble voice shall be for that wise and necessary measure.

Governor *Johnstone*. Sir; I shall not dispute with the hon. gentleman (Mr. Fox) about matters of verbal criticism, concerning the purport and tenor of which I know he is much my superior; but upon the substantial parts to which he has objected, I will endeavour to give the House some information. But first he will give me leave to remark, that the scope of his argument does not bear the stamp of that accuracy for which he is so noted; for he blames the commissioners for offering articles too extensive and tantamount to independency, and yet he concludes his speech by telling you, independency should have been declared last year, and it should be declared at present. Now surely, Sir, it ill becomes him who wishes the American colonies to be declared independent, to find fault with those who approached so near to what he considers right to be done. The more ample the concessions, the more they should merit his approbation. But, Sir, I consider the propositions offered by the commissioners as wide and distinct from that of declaring the United States free and independent of this country. The Congress thought them different, or they would have accepted the proposition to treat on the terms offered. The French think so, or they would not continue a war that must prove so injurious to them. It is true, to all good purposes they would be independent; but not to the bad purpose of forming foreign alli-

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ances for the destruction of this country, which has cherished them with so liberal a hand. By the propositions of the commissioners they must acknowledge the same king, and unite in the same interests with Britain. They must consequently maintain the same allegiance, and be subject to laws for treason against his Majesty. It is true, the offers are very extensive; but such as think them too extensive, must blame the misconduct of those who brought our affairs to so desperate a crisis, and not the commissioners, who were brought to propose, at once, the utmost terms which they thought themselves entitled to offer, as the only probable chance of succeeding; and the issue proved, that the commissioners did not exceed the length which it was necessary to go for obtaining the object in view; for in fact, the ruling power in America has rejected these overtures as insufficient, and consequently no harm can be alleged to have arisen on that account. Those who consider the terms as too extensive, or who think that less ought to have been offered at first, should know exactly the situation in which the commissioners found themselves at the time of propounding them, before they can judge of their conduct in that respect. They left England with a full belief, that the great military force in America was to co-operate with the concessions they had to make. Instead of any movement from the army, to give weight and consequence to the terms of conciliation, orders had been sent to abandon Philadelphia, and to leave, in the most piteous condition, thousands who had joined your standard, or sought your protection. The orders had been made public; the city was in the utmost consternation; a more affecting spectacle of woe I never beheld. The commanders in chief, to whom the orders were sent, thought them, in all their train of consequences, so complete a dereliction of our interest in America, that they had (no doubt from the best and most honourable motives) advised some of the principal men, who had adhered to our cause, to make their peace with the Congress, and many hundreds had in consequence begun their negociations, and taken the oaths of allegiance to the different states. The orders to the army were so peremptory, that even the delay of four days to receive an answer to the first dispatch to the Congress could not be obtained. In this situation, to expect that the Congress or their army would leave their high and profitable situations, when all the fears from exertion, or dubious contest, were removed, was not to be imagined; much less that new converts would come into your cause, when the sad example of others, who had been deluded by your promises, stared them so full in the face. At the same time it became necessary for the commissioners to do something, and the most extensive propositions that could be framed under the instructions were, therefore, the most probable to succeed, if not with the Congress, at least with the people at large, who would now see they had no longer any just object for enduring the calamities of war, excepting the ambition of their leaders.

The commissioners had prepared a letter for the Congress in a very different style, merely acquainting them of our arrival and of our powers, and with our friendly dispositions to promote a reconciliation, intending to have waited their answer; but the unexpected situation of affairs, occasioned by those orders I have mentioned, which had been concealed from us before leaving England, though dated near a month before our departure, obliged us to alter our resolution, and adopt the propositions that are complained of, with a view of informing the people at large of our fair and friendly dispositions, and of the utmost length to which we thought ourselves entitled to go. For, besides the evacuation of Philadelphia, the commissioners knew that 8,000 of those veteran troops were to be sent off, and that general Clinton had actually meditated to abandon New York also; nevertheless, under all these disadvantages, the articles complained of will by no means bear the construction which the hon. gentleman endeavours to put upon them. He asserts to the House, and applies his observation to the country gentlemen in particular, that, after beginning the war on the principle of obtaining a revenue, we are at last come to offer to pay all the debts contracted by the Americans in the course of it. Now I assert, the article does not bear such a meaning; that no forced construction of language can vindicate such an interpretation; that it never was so intended, or so understood, by any person in America. The words are general, "That we were disposed to concur in measures calculated to discharge the debts of America, and to raise the credit and value of the paper circulation." Does not

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every one see that the consent of his Majesty would be wanting, upon a return to the ancient constitution, to several acts necessary for this purpose, in liquidating the paper money? Can any one be so inconsiderate as not to observe, that, whatever reconciliation shall take place, this of establishing the paper currency on some certain footing must be among the first measures to be pursued. A ceding of the quit rents and vacant crown lands, and relinquishing the port duties, and imposing others on all foreign merchandize, might also be in contemplation. I can assure the hon. gentleman that the payment of the debt by this country was never dreamed of, although there are many schemes whereby the credit of this country might be employed to assist the colonies, for the mutual benefit of both. The article being general, must stand unexceptionable to every unprejudiced mind, and it is liable to none of the interpretations attempted to be put upon it.

The next article the hon. gentleman finds fault with, is the proposition "for a reciprocal deputation of an agent, or agents, from the different states, who shall have the privilege of a seat and voice in the parliament of Great Britain; or, if sent from Britain, in that case to have a seat and voice in the assemblies of the different states to which they may be sent, in order to attend to the several interests of those by whom they are deputed." Upon this subject I have only to say, that from its nature this, as well as every other agreement, was subject to the approbation of parliament; that it appeared to the commissioners a most eligible article for both parties, if it could have taken place. Many judicious authors in the course of this dispute have held, that the Americans have a right to a representation in the general laws that are to bind them; many members in this House have uttered the same doctrines, and, if I mistake not, the hon. gentleman himself. In the plan of reconciliation proposed, many important regulations in trade, and of internal, as well as external policy, must necessarily take place, which might affect either party, besides that of levying money. A representation by the votes of freeholders, in the first instance, could never be carried into execution across the Atlantic ocean, from the impossibility of determining controverted elections. The absolute choice of the representative must be determined in the country from which the deputation is sent. The numbers are so small, that no jealousy could reasonably be created against the interests of the respective countries by the privileges to be annexed. Much information would be derived to both. Many evils might thereby be stopped in their first progress. The situation would be most eligible and respectable for those who might be chosen. Is it possible, if such an establishment had existed, that the several mistakes we have committed respecting that distant country could possibly have happened? Neither, indeed, could the people in America have been so deluded in many things by their own demagogues, concerning the dispositions of this country, if men in a public character from this island could have mixed in their debates, to expose the delusion at the moment, or to have transmitted the proper representations here on any real grievance that might have borne hard on the people. Undoubtedly, this offer, like all other regulations of union, is liable to different opinions; for my part, I believe, whoever considers the subject most, will like it best. What member is there among us who would not rejoice to see an American representative in his place, arguing on the means of reducing the power of our ancient enemy? Those who would reject a return of the colonies, rather than admit of such an institution, know but little of the important consequences of North America in the connected chain of the British empire. The institution was calculated to meet the wishes of many well-disposed Americans. It was calculated to remove their several arguments, that they had no share in the legislature, which, independent of taxation, might bind them, and to obviate their complaints, that their petitions and remonstrances had been despised and neglected. It was believed by the commissioners, as it would prove in fact to be, highly beneficial to the interest of all concerned.

The next objection comes from my worthy friend below me, that we had given up the power of the crown in the most essential part, by offering to agree, that no military force should be kept up in the different colonies, without the consent of their different legislatures. This was an article which we all know the Congress insisted upon in their several resolves and representations. It appears strange to me to hear the same gentleman telling you, as an excuse for the Americans in not returning to the line of justice they had se-

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verally marked out on their breaking out, and in the progress of this dispute, that they cannot trust us after what has passed, and yet to object to the only effectual means of all others to defeat that argument. The commissioners have said to them, that the means of coercion shall be removed, and the means of redress, if any unfair and oppressive measures should be attempted, is left in your own hands. The sense of the people alone will be the means by which his Majesty will govern you; but at the same time, no man ever mistook the meaning of the article so much as to imagine the officers were not to hold their commissions from the King. There is nothing incongruous in the regulation; it is the very constitution of this country; for the king can keep no troops without the consent of parliament, and if, in the distribution of military honours, attention was given to bestow them on the most respectable families, and the most deserving men in the several communities, it might prove a means, of all others the most effectual, for removing any local jealousies that might remain.

I shall now consider some of the general observations that have been made. My hon. friend has observed, that I was very sanguine in my expectations of success, and remarks, with an air of triumph, that the means which were attempted have failed. For my part, I am sincerely sorry; and yet I am glad the attempt was made. All men will now confess the Americans have a bad cause; that they have no just object to contend for, being now united with France for the professed purpose of reducing this country. All good men ought to join most heartily to oppose them. If we saw such an union at home, under proper ministers, I have no doubt the success of our cause would be certain. While we are divided, I pronounce with caution: it is the state of parties at home, which makes me hesitate, not the want of resources, or the strength of the Americans. One set of men have lost the confidence of the people by mismanagement, another want to yield up all that is worth contending for, without saying at what point they will make a stand; but my hopes of the success of the commission were never so sanguine as the hon. gentleman states. The House will recollect, that I declared, in my place, that I believed the success would chiefly depend on the ratification of the treaty with France. I pressed the departure of the commissioners again and again before I was a member of it. I told you, that I believed, if they had once ratified their treaty with France, that they would not recede without strong exertions, and I am happy to know that it has not yet been ratified in a constitutional manner. Why the commissioners were not sent off sooner, is a question that merits enquiry. I am sure, no time was lost on my part.

My view always was, that force should accompany the concession, and that the Americans should see a manly, determined spirit of perseverance in this country, that they might consider well between the evils of war in a dubious contest, and the certain advantages of immediate peace upon the most honourable and advantageous terms. The noble lord in my eye, will do me the justice to say, that I wrote a letter to him before my departure, expressive of those sentiments, recommending the regimenting the provincials and Canadians, giving them rank, half pay, and emoluments. The orders to sir H. Clinton, which were shewn me, breathed a spirit of activity and coercion. I thought, with the measures I recommended, the army was sufficient; I think so still, and I am supported by the opinions of the best officers on the spot. Instead of that, we secretly directed an ignominious retreat, after all the preparations and expence necessary for a vigorous campaign had been incurred. Can it be said with justice, that I have failed in my expectations, when every thing I was made to believe, and which I deemed necessary for the effect, was disappointed and contradicted; nay, concealed not only from me, but from the other commissioners with whom I had the honour to be joined? If I had known Philadelphia had been ordered to be evacuated, I would never have gone. The other commissioners have often declared the same sentiments. I remember well the hon. gentleman seconded the noble lord's motion for the Conciliatory Bills; it was what he had been long contending for, as a right and proper measure. Were we afterwards to frustrate, or impede, what we on this side had so long sought for, and approved when made? My spirit of party connections does not lead me to this conduct; for notwithstanding the criticism of the worthy gentleman on the words "singular unanimity," I still maintain the unanimity was singular on the subject of American affairs.

The hon. gentleman who spoke last,

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has also indulged himself in some other satirical smiles on the characters of the other commissioners: I am obliged to him for the tenderness with which he has treated me; after his tossing and goring so many ministers, I am sensible I am nothing in his hand: but I must beg leave to say a word for those who are absent. I believe the hon. gentleman takes the character of the noble lord (Carlisle) at the head of the commission, from newspaper reports, as I once did. He well knows that nothing is so fallacious. I have such an opinion of his liberality and good humour, that in case he knew that nobleman as well as I do, he would be as ready to retract his opinions; for a young nobleman of more worth, more honour, more dignity, or greater zeal for the public service, and the execution of the trust committed to him, I never knew. The other gentleman is so well known to every member of this House, and his reputation for business so well established, that it stands above my praise, or the hon. gentleman's censure.

I will now take notice of what fell from another hon. gentleman, who spoke most eloquently in this debate (Mr. Fox). He talks of the indignant treatment the commissioners met with from the Americans, and particularly points at their behaviour to me. I cannot acquiesce in this opinion; I make no such complaints, because I distinguish widely between the people of America and the Congress, because I make a just distinction between what men do in their political capacity and in their natural. The Congress seem to conduct themselves with the low cunning of an election jobber; their proceedings are often calculated for the herd of the people, who are as yet strangers to the impositions incident to such a conduct, and having all the newspapers under their direction, they are excellent engines of such ignoble policy. The commissioners were received at Philadelphia with all the joy which a generous people could express. Why were you so long in coming? was the universal cry. Do not abandon us; retain the army, send them against Washington, and the affair is over: 10,000 men will arm for you in this province, and 10,000 in the lower counties, the moment you take the field, and they can get arms. The declaration was general; and I am persuaded, if we had been at liberty to have acted in the field, our most sanguine expectations would have been fulfilled. I mixed with all ranks of men, from the prisoners in the jail to the first people in the place, and, as far as I could penetrate the human mind, I believe the sentiments of reconciliation, and a return to the happy state in which they formerly lived, were sincere. But gentlemen say I am of an eager temper, and apt to be deceived. It is possible; I do not pique myself on never having been deceived; I can only say, I never intentionally deceive. My judgment, my opinions, may be wrong, but they are the sentiments of my heart, and people must receive them with all those grains of deduction for my temper, and the weakness of my understanding. After this precaution, I declare that I firmly believe two thirds of the people of North America wish to return to their ancient connection with Great Britain, and that nothing but a surrounding army, and the diffidence they have in our support, prevents that spirit from breaking out in acts of hostility against the Congress and committees. We were more employed to restrain than encourage overt acts, because we knew, under the secret orders, that no assistance could be given to such efforts, which therefore could only prove ruinous to well affected, meritorious individuals. The hon. gentleman founds his ideas on what he has remarked in the proceedings of Congress respecting me—I shall ever think such a proceeding totally unworthy of such a body. Some gentlemen have praised it as an excellent refined stroke of policy, to get rid of an embarrassing question about general Burgoyne's troops. I again repeat, I disdain all that policy founded on injustice and dishonour; the more artifice to avoid fair dealing, the more detestable to me: it is contemptible in private life—where the dignity of a people is concerned, it is abominable meanness, and must end in the destruction of those who practise it. The spirit of their enemies is raised by all such proceedings, their own is always depressed. Of all the mean and notorious breaches of public faith which have ever been practised, of all the low chicane which has ever been used in the depravity of the eastern world, to avoid a solemn agreement, the different excuses offered by the Congress are the most disgraceful to society. I know the most zealous for the cause of independence disapprove of them: but America is governed now as England was under a mock parliament and committees of major generals. I am not

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called upon to say a word on this subject, but I disdain disingenuity. The accusation stated against me, with respect to general Joseph Reed, as far as the transaction pretends having authority from me to make the offer, is false and injurious; it is indeed very cautiously worded, and only implies being done by my authority. This I deny, and I have perfect proof in my possession, that Mr. Reed never understood any message or writing of mine as liable to that construction. While I say this, I do not mean to disavow I have had transactions where other means besides persuasion have been used. It was necessary: in my situation it can be no reproach.

Those gentlemen who so much exult at the ill success of this commission, and plume themselves so much on their proposition for conceding independency last year, should consider, if one of two events had succeeded, the proposers of conceding American independency could not have appeared with equal favour before the public. Suppose that admiral Keppel had actually beaten M. D'Orvilliers, or suppose again, that admiral Byron's squadron had arrived in America within the ordinary time to have joined lord Howe; can any one doubt that his lordship would have given a better account of D'Estaing than is now published? And yet this success, and several other matters, were quite within the probability of ordinary events; and if any of them had happened, I believe this favourite topic of American independence would have been dormant in our days. Why, then, should we despond? I am far from thinking the matter desperate, notwithstanding I admit that our mismanagements will render great exertions necessary. But you must determine to persevere, before the inhabitants of America will have reliance on you. The maxim of dying in the last ditch, after every exertion has been made, is what I avow to be my principle.

The hon. baronet, behind me, tells you, that 50,000 Russians would not now do the business, and yet he complains of the conciliatory propositions proposed by the noble lord. Why, surely, if no force could do the business, there could be no harm, at least, in trying the mode of concession. But, I am far from being of his opinion. He says, the army were all disgusted at the Conciliatory Bills: at the same moment, he says, their force was insufficient to conquer the enemy. This was a little unreasonable in the army, to give it no harsher term. I cannot contradict what the hon. baronet asserts; but my observations on the army were very different. The army was indeed disgusted, but it was because they were not led against the enemy, then lying within twenty miles, whom they were confident they could conquer. "Lead us against the enemy," was the general wish of soldier and officer; and, indeed, Sir, to the honour of the commander in chief, who left them at Philadelphia, I am proud to declare, there never was so excellent, or so well appointed an army. The picked men for the French theatre were not equal, in grace and comeliness, to the worst of the light infantry. Such a body of chosen troops, I believe, never were collected together; and yet we have seen, from various causes, what little benefit the nation has derived from them: at the moment they were confident of victory they were ordered to retreat, and during all this summer, and half the autumn, incurring the same expence in the field, they have, literally, been doing nothing.

To determine what now should be done, requires a greater compass of information than I can boast. To judge of the question, one should know the state and disposition of Holland, of the northern powers, of Portugal, the resources of France, the disposition and force of Spain, the various resources of this country, as well as the difficulties to encounter in America: with these first I am not sufficiently acquainted to pronounce positively; but this I know for certain, that the greater the exertions we make ourselves, the more we shall be respected by others; and the more we assist ourselves, the more ready others will be to give us their assistance. The nation is far richer at this period than at the beginning of the last war, and our warlike operations were then much more extensive. I admit that our public funds are now more embarrassed; but the means of taxation is also more ample from the increased wealth of the country. But I despair of the present ministers being able to draw forth those resources; they have so lost the confidence of the people, by such a series of mismanagement and neglect, that they never can recover the public good opinion: on the other hand, as I said before, those men who may succeed them, according to my conception of things, are desirous to yield up all that is worth contending for, without any struggle worthy of our ancient fame. In such a situation it

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is difficult how to act or what to wish. I am clear, if we do not mean to pursue the object with firmness, we had better abandon it at once, and make the best terms we can for the miserable inhabitants who have adhered to our cause. Nothing less than 25,000 troops, exclusive of those in Canada and Halifax, will prove sufficient; with that number we may expect success; a less number will render the decision tedious, doubtful, and hazardous. The people of the country, after what has happened, will hardly derive confidence from a smaller army to induce them to join us.

Upon the whole, I acknowledge our situation to be extremely perilous, the difficulties we have to contend with great; but it is on such occasions that the noble qualities of man, perseverance, fortitude, and love of our country, shine in their greatest lustre. Let us not imagine that those who oppose us are without difficulties; the contentions and sufferings among the Americans are greater than our imagination can reach. They would have been greater still, if they had not been checked by our bad conduct. Those who are so uneasy at the reception the commissioners received, should recollect the reception D'Estaing and his sailors met with at Boston. The first was the political answer of a body, whose interests and ambition are undoubtedly opposed to that of the people they govern; the other was the indignant, spontaneous passions of the people themselves; the House will judge to which of the two most weight should be given. Before I sit down, I must repeat, that in what I have said about the operation of our fleets, I do not mean to throw blame upon any military officer whatever; but I do blame administration for not sending out admiral Byron sooner; they had the intelligence in April; he did not sail till June. It was clear that the Toulon fleet was bound to some port in that continent. If therefore five or six ships had been immediately sent off, upon such a junction lord Howe would have certainly been superior to D'Estaing. But I am told that the reason of this delay arose from want of stores, and that we were obliged to unreeve the running rigging of the ships at Spithead, to fit out admiral Byron's squadron. If this is true, it is a melancholy tale indeed, after all our boasted preparations in the beginning of the year, and the immense sums voted by parliament, and demands an enquiry more than any other subject.

Sir *W. Meredith* agreed with the hon. gentleman, in thinking the independence of America an event to be equally dreaded by both countries: but feared it was not to be avoided while ministers spoke one language, and held another. Some time ago, a noble lord offered what he called a conciliatory plan, by giving up the ground of the war—taxation; but the very day after he had moved his proposition, he pledged his honour to a worthy country gentleman, that he would revive taxation over America, and tax them soundly the moment he had it in his power. Agreeably to this idea, the Conciliatory Bills were formed; the very words of the Treasury bench were, that the Bills would at least weaken the power and counteract the views of the American leaders. Thus the Bills were blasted before they left these walls: and it was known that their design was not to unite the Americans with England, but to break and divide the Congress among themselves, and to effectuate that division by bribery. The commissioners, indeed, seemed to have exceeded their powers, and had made concessions nearly approaching to independence; he desired, therefore, to know by whose authority the King had been made to depose himself in that part of his empire. He rejoiced, at length, to find an acknowledgment, in the speech, of the service which the merchants had done to reduce the natural enemies of this country, and expected that ministers would account for their unexampled negligence in exposing them so long defenceless to be a prey to the American privateers. He himself had applied for permission, he said, for them to carry arms to protect them in their voyages, which the ministers denied; they were afraid lest they should fight the French too soon. They were also afraid of their selling their arms, had they been allowed them, to the Americans. The Speech admitted a failure of success in all our operations; that failure must be owing either to bad counsels, or bad conduct. The ministers took no demerit to themselves; the imputation, therefore, must fall on those who had the misfortune to be employed by them; to that imputation he never would consent, and was sorry to see it conveyed in so sacred a vehicle as the King's Speech.

Lord *North* began with declaring, that since he had any share in the administration, the noble person alluded to as having an influence, had not the least, directly or indirectly; so that noble lord (Bute) was

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clear of all imputations of that sort. For whatever faults had been committed, himself and his colleagues made themselves responsible: but he could not think that the removal of any one man, or of more, from the ministry, was of such mighty importance as to prevent that unanimity in supporting the dignity of the crown, which was expedient at this juncture; for if it was not speedily done, the kingdom might be lost. He was not against an enquiry, but this was not precluded by the Address. He accounted for the late departure of admiral Byron's fleet, by saying, there were informations which made it doubtful whether the Toulon fleet was intended for America; and if so large a fleet as lord Byron's had been sent out before the destination of D'Estaing's had been certainly known, France might have altered her plan, and have attacked some part of Great Britain or Ireland. He said, the Americans had now been offered every thing they could expect; the terms were very liberal: but to have detached them from their alliance with France, and to have reunited them to us, the price was not too high; though paying their debts was not one condition, as an hon. gentleman had observed. With respect to evacuating Philadelphia, it was judged proper to diminish the extent of our lines, and to collect our forces within narrow bounds; Pennsylvania, New-York, and Rhode-Island could not all be covered at the same time; it was therefore thought best to station the army at New-York. A right hon. gentleman had called upon the ministry, to know what authority the commissioners had to give up the sovereignty of this country over America, and by this act to make his Majesty depose himself in that part of his empire. He did not know that any such concession had been made; nothing had been given up; for the Americans had not accepted any thing. The tyrannical Congress had refused all terms; but the people, tired of their usurped government, and of their new allies, if they found themselves supported by vigorous exertions from Britain, might be re-united to this country. It had been said, if Byron's fleet had arrived in time to have joined lord Howe, and D'Estaing's fleet had been destroyed, the American Congress would have listened to terms; but this fortunate circumstance was prevented, yet no one was to blame; by the usual course of sailing he would have been in time, but a storm separated his fleet, and prevented it. But the spirit of the nation had shewn itself in the bravery, good discipline, and zeal of its national strength, the military; this should animate us to exert all our powers with unanimity in support of the dignity of the crown. As to the Dutch, it was their interest to be our friends; the major part of the people in Holland were so. Administration had not lost these ancient allies by any bad policy: the same difficulties, the same disputes, happened with them at the beginning of last war, and in the war before; they wished to profit as individuals, by being the common carriers at sea as neutral powers, while others were at war: this occasioned the seizure of their ships; a loss to individuals, but not an object likely to bring on a rupture.

Mr. Attorney General *Wedderburn* said, he thought the House ought to be unanimous in prosecuting the war with America; and told a story of the famous admiral Blake; who, though he disliked the measures of the usurper, yet being in the service of his country, called his crew together before he began an engagement, and told them, that however they might differ in opinion, as to the just causes of the war they were engaged in, it was their duty to lay aside their opinions, and unanimously to fight the enemy. Upon this principle he thought the House ought now to act; being engaged in a war, it was our duty to support it.

Lord *Howe* said he should vote for the Address, as it did not preclude an enquiry. He wished for an enquiry; but thought it improper to be mentioned in the Address. If any gentleman moved for an enquiry, he would second the motion.

General *Burgoyne* expressed how much he had wished to find an excuse to his own mind, for remaining silent on that day; that he believed few persons saw him offer himself to the Speaker's call, without feeling, in their candour, for the peculiarity of his situation; that in personal consideration, he could take no possible part that did not subject him to ill-will from various quarters; that in particular he had to expect the full vengeance of men in power, to complete the sacrifice they had begun, if he took part against their measures, and at the same time he was compelled by his conscience not to support them. He saw his country under every symptom of immediate dissolution. Her struggles, if such in their weakness they could be called, appeared the last

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struggles for existence. In such a crisis, he should hold himself unworthy the name of an Englishman, if he suffered any consideration to interfere with his duty, and did not set at nought enmity abroad and enmity at home, though it were the bitterest and most active of all, enmity of bad men against those they have injured. That his concurrence in the proposed Amendment was unavoidable, because it went to enquiry; that two gentlemen had particularized the miscarriage of the northern expedition, in which he was the unhappy principal actor; that he was, as last year, anxiously solicitous to bring that matter to a parliamentary inquest, not meaning thereby to preclude his accusers, if any such there were, of a further trial of him by a court martial; that he called upon those gentlemen to use their endeavours to obtain that enquiry. He believed there was not an officer who had served in America, that did not equally wish for inquiry into the conduct of the war. The great spring upon which the salvation of this country must depend, was confidence in government—and where were we to look for it? Was it to be found among the old and natural allies of this country abroad? The utmost comfort that the noble lord (North) had been able to afford us in this point, was, that he had done nothing to estrange the old allies of this country. Had we any reason to hope, that we had a single friendly port from the Archipelago to the Baltic? Even Portugal, so often saved by our arms, so constantly fostered by our commercial treaties, the very child of our generosity, forsakes us in our need, and makes her contempt an excuse for her ingratitude! Was he mistaken in supposing we had not one ally? He should be happy to be undeceived. In opening a war against the whole force of the family compact, perhaps with the assistance of Holland, the information that we had a firm and well digested treaty with the courts of Russia and Berlin, would tend to draw a willing tribute from the public purse, and better assist our supplies, than negotiations between the Treasury and the India House, for months together. But if we had no confidence among our old natural allies, had we the respect of our enemies? He need only refer to the rescript of the French ambassador, for an insult unheard-of in any former age; to the treatment shewn by the Congress to the commissioners; and lastly, to their reply concerning the ratification of the Saratoga convention. He would join with the heaviest reproaches that could be cast on the Congress, for such a violation of public faith; but the instance, with all the ignominy that attends it on their part, will also mark our humiliation; for, however devoid the Congress might be of principle, their common policy would have been our security against such proceeding, had we not been sunk in their judgment, as in that of all the world, below the consideration of respect or spirit. If we had neither respect with our allies, nor with our enemies, had we confidence at home? Where was that inspiration which in the last war attended our fleets and armies? It is lost in the observation, to which the military cannot be more blind than other men, that instead of union and sound direction, our government was become a compound of incongruities. He concluded by observing, that to consider the speech from the throne as the speech of the minister, was so old a parliamentary doctrine, that he believed no person would be hardy enough to dispute it; but that there were other places where it was the practice to represent a disagreement of opinion with the servants of the crown, as a disrespect to the King; that duty and attachment to the King were at the heart of every good subject; and, added to those feelings in his breast, there was moreover a deep impression of obligation for the great favours that had been bestowed upon him; that a noble lord had, upon a former occasion, recapitulated those favours, and possibly might do so again; but that, however highly they might be stated, his gratitude would accompany them: that under these impressions, it became indispensably necessary for him to declare them in that House; because, by the management of power, by a sort of ministerial spell, he was precluded from professing his duty in the royal presence.

Lord *G. Germain*, in answer to the general, took occasion to state his preclusion from court as a matter of course pending an enquiry; and remarked, that the general had no great cause to complain of intentional hard treatment, as an order which had been sent him to return to his post when his health would permit, had not been enforced, notwithstanding he seemed to be in perfect health. He had not seen the letter, nor the answer, but he understood it was only an acknowledgment of having received it.

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Colonel *Barré* recapitulated the heads of the several arguments which the hon. gentlemen who supported the Address had used, to prove that our abilities were equal to our resentments; that our resources were immense; that the Congress were tyrants, and were obeyed only through fear; that the people of America who acknowledged their power had done so, not from motives of good-will, but to avoid punishment; that they universally hated the French, though come to protect them; that with such an augmentation as we could send out in the spring, we should not only be able to retain what we were already in possession of, but to carry on an offensive war, and make fresh conquests; and that, divided among themselves, dissatisfied with their governors, and jealous of their new allies, the repossessing of America was still practicable. These assertions, however plausibly or confidently urged, were many of them doubtful, and others were known to be exaggerated or ill-founded. The speech from the throne held no such language; the two ministers present were tired of resorting to such arguments, and they were ashamed any more to repeat them.—He remarked on the ambiguous information conveyed to parliament in the Speech, "that the great armaments of other powers, however friendly and sincere their professions, must necessarily engage their attention;" that, if this information did not amount to a direct proof of the hostile disposition of Spain, it was sufficient to alarm parliament, when it was coupled with the additional circumstance of the actual engagements subsisting between the branches of the House of Bourbon.—The noble lord (North) had spoken, he said, upon every subject but what was properly the question before the House. He had mentioned the evacuation of Philadelphia; the engagement off Brest; the failure of admiral Byron; and the bad success of our admirals and generals; but on the strength of our enemies, and our ability to contend with them, he had been totally silent. Our fleets and armies on the opening of every session were to perform wonders; but now they were only mentioned in the Speech to pass an oblique censure upon those who commanded them, "for the efforts made had not been attended with the success which the vigour of the exertions seemed to promise." What seaman or soldier after this would trust his honour or reputation, not to the fortune of war, but as a mere scape-goat, to answer for the crimes and follies of men every way inadequate to fill the important stations in which they are placed? What man of humanity would embark in the barbarous plan lately adopted for carrying on the war in America? Who would not fly from such a service with horror, and hold in abhorrence the authors and advisers of it?"—He then proceeded to take a view of the measures that had been pursued, and of those which he had advised, and which had been neglected; he instanced in particular the disregard shewn to the sugar islands, though he had predicted literally what had since happened, and pressed frequently upon ministers to make a suitable provision for their protection and security. What has been the consequence? Dominica, one of our most valuable islands, had already fallen into the hands of the enemy, and there was great reason to fear for some of the rest. He contrasted the loss of Dominica with the capture of Miquelon and St. Pierre; and enumerated the particulars of this glorious conquest, in which he took notice of the oil, blubber, salt fish, cartouch-boxes, and 173 muskets, mentioned in the London Gazette.—He particularly adverted to the encomiums bestowed by the noble lord on the millitia. "If France is leagued with America, and Spain should unite with both. What of that! have we not a militia? If our dependencies in the East and West Indies are attacked, have we not a militia!" and for our home defence his lordship placed his whole confidence in the militia. Besides, he had almost forgot, he said, that the noble lord was warden of the Cinque Ports. The Cinque Ports were so many towns entrusted with the defence of the kingdom; his lordship, happily for Great Britain, filled the important post of directing that mode of antient defence, and there was little doubt but his lordship, on the same generous motives which induced him to accept of the trust, would take care to see it faithfully and effectually executed. What, then, had the kingdom or empire to dread? The militia could defend it from all hostile attacks on land, and the lord warden would protect it from all hostile attacks by sea.—He concluded with some strictures on the story told by the Attorney General. He allowed, that when men embarked in a command, and accepted of a service with all its annexed conditions, they were bound by the reasoning of Blake; but that he

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was satisfied that Blake, as a citizen and member of that House, in his senatorial character would gladly have contributed to pull down the form of government and usurpation under which he fought as a seaman.

Mr. *Rigby* observed, that the right hon. gentleman who had moved the Amendment, framed it on a supposed distinction that America could be detached from her engagements with France; or if not, by ceasing to prosecute the war in that country, the colonies might be induced to a neutral part. Such a supposition astonished him, as almost every person who spoke in favour of the Amendment concluded, that so far as the present cause of quarrel between France and Great Britain could be supposed to operate, the United States would never relinquish their engagements with the court of Versailles: they were therefore to be considered, he said, as one enemy. This he declared was the result of his own deliberate judgment, without the least bias to any administration; for whatever side of the House was in power, he was determined never to make a surrender of his understanding to any set of men. The Address moved was, as usual, a reply to, and approbation of the King's Speech: a negative on the present occasion would amount to a direct refusal of supporting his Majesty against his open and declared enemies. On this narrow ground the question then stood; Whether France was, or was not, to be resisted in her perfidious attacks on the interests and honour of this country? For his part, he could not conceive the necessity of a previous enquiry. The passage in the Speech so invidiously commented on, imported no censure upon any person: it is said, and said truly, that our successes had not answered our wishes: but that no more implied censure than the disappointments which the events of war were subject to. He was not very fond of enquiries, unless there was an absolute occasion for them, but he acknowledged that he should be extremely pleased to have the affair of Saratoga fully examined, that the blame might be fixed where it ought to rest.

At two in the morning the House divided on the Amendment:

	Tellers.	
Yeas	Mr. Thomas Townshend Mr. Fox - - - - -	107
Noes	Mr. Rice - - - - - Sir John Goodricke - -	226

So it passed in the negative. After which the Address was agreed to.

Nov. 27. On the report of the Address being brought up,

Sir *P. J. Clerke* contended for the Amendment proposed the day before. He thought it highly improper to pay compliments to the throne, at a time of public calamity, when the safety of the kingdom was manifestly at stake, and every hour was pregnant with some new instance of the incapacity of the present ministers. It appeared to him highly injurious to the nation to promise his Majesty the effectual support of that House, in measures destructive of his dominions, and for continuing in office men who were resolved to adhere to the same ruinous plans that had brought us into our present alarming situation.

Mr. *Adam* begged leave to recall the attention of the House to what had passed on the former evening. He then said, that an hon. gentleman (sir W. Meredith) had asserted that the Conciliatory Bills had passed contrary to the inclination of the House, though there had been no opposition to them, and that the reluctant countenances of every person present had shewn the ill-will they bore to that measure. Mr. Adam said, it was not his business to decide how far the House, which had consented to that measure, *nem. con.* with apparent reluctance, had consented with singular unanimity or no. He only wished to put in a word for himself. That if he was not the only person, he was the first person that gave his opinion against those Bills. That having done what he thought his duty in delivering that opinion, he did not think he would have been justified in carrying his opposition farther. He therefore avoided saying No, upon the question being called, as he thought an individual ought to acquiesce after having given his opinion, where that opinion was single, and that he should not have acted a proper part, if he had prevented that vote from going to America with all the force of *nemine contradicente* attached to it. That he must take the liberty of telling the House, that his predictions with respect to the effect of those Bills had been fulfilled; that the ministers, after having debased their country by mean concession, had reaped no advantage whatever from that measure. He said, that nobody had a higher opinion of the resources of this country than he

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had, if they were in the hands of men who could call them forth; that the spirit of this country was still capable of producing great efforts; that in the course of the last summer the conduct of the militia officers deserved all the praise that his Majesty's speech bestowed upon them; that the nation would not be in danger, when men of the greatest rank and fortune all united in its defence. But that under ministers who had not been able to carry on a war with success, against America alone, we could never hope for their succeeding against that country united with France, and probably in a short time to be united with Spain. That no person could be more zealous for the dependence of America upon this country; but now every point seemed to be yielded, if the Congress had accepted of taxation, trade, and alteration of government. That we now fought only for the patronage of America, and he was not of opinion that addition of influence to the ministers of the crown was a fit object for us to pursue; and he seemed to doubt whether the dependence of America, with the patronage of it, or the independence of America, was most to be dreaded. But he thought a dependent connection was still to be procured; such as would render the interest of both countries mutual. This he thought was not to be done by pursuing the war in America, but by making the most vigorous exertions against France, and leaving America at rest. That if the mind of America had no object upon which to exert itself, it would soon become tired of the tyranny of the Congress. And if we should be successful against the French at sea, and in their dependencies, it was more than probable that the Americans would chase away M. Gerard with as much hatred as they had received him with cordiality. He said he did not think the argument of the honourable governor (Johnstone) was conclusive, nor so logically accurate as his arguments in general were. The hon. governor seemed to think it necessary to carry on the war in America, yet he was of opinion that beating D'Estaing would have given success to the commission. If the beating 13 ships of the line of France, armed at all points to attack us, could be attended with that effect, why should we pursue a double war against France and America? Would it not be better to pursue the war against France with vigour by the additional force we might bring against her, the American war being suspended, and then to force France to relinquish the treaty with America? In which case America must again come into the dependence of Great Britain. That the state of our home defence did not seem to admit of sending the troops wanted to carry on an offensive war in America. That it was very true the southern part of the island was well defended; but it did not appear to him that the northern parts of England, and all Scotland, were in a respectable state of defence. That, after the capital and the dock-yards, perhaps the most necessary part to be defended was the coal-pits of Newcastle. That with respect to Scotland, in autumn last 400 mutineers had for some days been masters of the lives and fortunes of some thousands of his Majesty's subjects, before the commanding officer could quell the mutiny. That if, instead of soldiers whose mutiny had proceeded from misunderstanding, an equal number of the enemy had landed on the coast, they must have committed considerable damage before their ravages could have been stopped. He said he had voted for the amendment the night before, not that he would not cheerfully agree to an address expressive of the strongest attachment to his Majesty, but that agreeing implicitly to the address was tacitly approving of the conduct of ministers; and pledging ourselves to carry on an offensive war in America, which did not seem the most probable and easy method of disuniting France and America, and bringing the latter back to dependence. That the amendment did not extend to an examination of the whole period of years from the accession of his present Majesty to the present time; but meant to state as a fact, that, at the former period, this nation stood in a great and respectable situation; that at present its situation was quite the reverse, and it was meant to inquire into the cause of that difference. That the enquiry laid in a very small compass, and might tend to shew how much the present ministers were to blame, and lay a foundation for their removal. It had been asked, where other ministers could be found? He said he was far from paying any adulation to any particular set of men; that he found, upon his side of the House, great public ability and private virtue; yet he would not with any certainty conclude from that, that they would make able ministers: for cruel experience had taught us, that the same man can

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please a public assembly by an harangue, and ruin the nation by his misconduct: but he thought the conduct of the present ministers had been so wavering, so ineffectual, and so irresolute, that it would be better to cast lots for ministers, than to retain them in office.

Mr. *G. Grenville* begged to be understood that when he opposed the Address, it was merely forasmuch as it related to America; for he was ready to sacrifice both his life and fortune in the defence of his country against France. He still was of opinion that America might be regained; and though it might be presumption in so young a man as he was, to point out the means, yet there were persons who, he was sure, could effectually put an end to the contest with the Americans: this much, however, he would venture to say, that a removal of the present ministry should be an indispensable preliminary to any overtures for a reconciliation.

Mr. *Bayley* called upon administration to declare whether they had or had not received intelligence from Jamaica, to the same purport as the information contained in private letters from his friends, which he had received by the last packet, and was to the following purport: that a large body of troops were assembled at Hispaniola, and transports ready to embark them; that they only waited for a French fleet to convoy them; that the Minerva and Active, two of his Majesty's frigates, had been taken by a French man of war and carried into Hispaniola; and that the governor of Jamaica had been obliged to proclaim martial law, and to put the island in the best posture of defence he was able; but without hopes of being able to hold out against the sudden attack of a strong fleet and a large regular force, having only 600 regulars and the mixed militia, composed of mulattoes, negroes, &c. That both the governor and the admiral on the station had complained, in private letters, of the neglect of government in not sending reinforcements, or even condescending to let them know if they were to maintain a state of peace or war with France. This was another instance of the want of capacity in ministers, and a reason for voting for the amendment.

Mr. *De Grey* said, the office had no such intelligences as the hon. gentleman had mentioned; but they had letters from the governor of Jamaica, of a very contrary nature, declaring that he had put the island in such a state of defence as to enable him to resist any sudden attack till succours could arrive from England; but they had no official accounts of any number of troops collected at Hispaniola, nor any ship of war on that station.

Mr. *Fox*, after complimenting the hon. gentleman for the very candid answer he had given, observed, that the private letters had not been absolutely contradicted: therefore, he should take it for granted they were true, as they came from respectable inhabitants of the place; and this was a fresh instance of the shameful neglect of the Admiralty, and of the folly of sending such a naval force to North America that we could not protect the islands. He then went over the grounds of his objections to the Address; and added, that it had been given out, that our situation was not so bad now as it was at the beginning of the last war. This we apprehend he construed as a reflection on his father, (lord Holland) who was minister at that æra: observing, that we were in a much worse situation, for we had then only lost Minorca, now we had lost thirteen provinces. But the noble person alluded to had different motives of honour from those of the present minister; and as he had received his education under him, this might be one reason why he always differed from his lordship on points of honour. The person alluded to, at the beginning of the last war, thought it a point of honour to resign his office when he found he could no longer hold it for the benefit of his country; but the noble lord in the blue ribbon makes it his point of honour to keep in his office year after year, though his administration has been a series of misfortunes to his country; and, in the very moment of additional calamities, he goes into the cabinet, and advises his sovereign to bestow on him a most lucrative vacant place, the wardenship of the Cinque Ports. And why? Because, in another year, the crown might have nothing left to give, if his lordship continued to govern. But it had been said, it is a rule of government with foreign princes to assist the weak: this, indeed, was a reason for the noble lord to continue in office, that Russia and other foreign powers might assist this country. He then rallied government upon sending out a commissioner who could tell the Americans what sort of men the ministry were. This alone was enough to mar the success of the treaty. He concluded with

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repeating his assertion, that a false account had been given to the House, last year, of the state of the navy.

Lord *North* said, the charge of soliciting honours or emoluments was not true; they were the spontaneous, voluntary gifts of his royal master, after ten years of services. He had not bettered his fortune since he came into office; and the duty he owed a large family made it incumbent on him, not to refuse a moderate provision for them. But as to the last place he had obtained, it was not of such consequence as the gentleman imagined; for it was owing to his own moderation that the King had not given him all the salary annexed to it in the late possessor's time. He then requested gentlemen not to raise scruples where there could be none: neither the Speech nor the Address mentioned the American war; they only requested and promised general support. His lordship concluded with professing a readiness to resign his office, whenever it should appear that his country would be benefited by his resignation.

General *Burgoyne* begged to be indulged with saying a few words in reply to an insinuation thrown out the night before by the noble lord at the head of the American department, namely, "that he had no great reason to complain of the conduct of government towards him, as he was still permitted to be absent from his duty, though he had received orders to repair to his post, &c. No answer had been returned, his lordship understood, to this order, but a general acknowledgment of its being received." This was what was stated by the noble lord the preceding evening, as an instance of the great indulgence that had been shewn him; but to place the whole of this transaction in a proper light, the general proceeded to relate every particular that had happened since his arrival in England. On his coming home, he waited on the noble lord, and had no reason to complain of his reception at his first interview; eager to throw himself at his Majesty's feet, he pressed for that honour; but found to his astonishment, that the doors of St. James's were shut against him; he was made to believe that there was nothing particular in this, that it was unusual for a person, circumstanced as he was, to be admitted to the royal presence, till after a court of enquiry had been previously held. Thus, while he daily expected that some step would be taken to bring things to an issue, he was informed, that being a prisoner under the convention of Saratoga, he was amenable to no tribunal here, nor could be introduced to his sovereign till every impediment was removed. From this, and some other circumstances of like tendency; he had every reason to believe, that the noble lord had previously determined to exclude him from the royal presence. A very striking event served to confirm his opinion: towards the conclusion of the last session of parliament, on the question for prorogation being debated, his conscience compelled him to take a decisive part against the ministry; in two days after the session broke up, he received a letter from the Secretary at War, the purport of which was, "that the King finding his presence material to the troops detained prisoners in New England under the convention of Saratoga, his Majesty was pleased to order that he should return to Boston, as soon as he had tried the Bath waters in the manner he had proposed." Surprized at receiving this order, not from the commander in chief, but from the office of the Secretary at War, he waited on lord Amherst, to know if it had originated in the cabinet, and why it did not come to him, through, what he thought, the proper channel? His lordship's answer was, that it was delivered to him by his Majesty, or by his directions; that, as to its being a cabinet measure, he could not pretend to say; but as his command was confined to Great Britain, and the order related to a command in America, he thought it his duty to transmit it to the Secretary at War; that the affair was entirely out of his cognizance, further than to obey the King's orders. In answer to the above order, he wrote a long letter, part of which he read as his speech, complaining of the severity that had been exercised towards him, and of the hardship of such an order while his honour remained unvindicated. On the 27th of June, he received a second letter, informing him that his answer had been laid before the King, and that his Majesty continued to think his presence of importance to the troops; and repeating the former order, to return to them as soon as he could, without any material injury to his health. To this letter he had replied no farther than to acknowledge its receipt; and should it be now made peremptory, he knew how he ought and would act, be the consequences what they might. But he could not help thinking it somewhat

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extraordinary, that the noble lord at the head of the American department should be ignorant of his answer, which contained his complaints, and should only be informed of that in which he barely acknowledged his receipt of the letter of the 27th of June. He was however glad, that the noble lord was ignorant of his first answer, and of the letter which produced it, as it would have betrayed a shameful spirit of revenge in him to be instrumental in removing a man out of the way who he knew taxed him with injustice, and between whom and his lordship there was a long account to be settled before the public. As the only grounds stated in the order for his return to America was, that his presence was necessary to the troops, prisoners there under the convention of Saratoga; he would ask ministry, whether they had taken any effectual step to release those brave men who so gallantly fought and bled in the service of their country? He had heard of none; they were suffered to undergo what was worse than death, and seemed to be totally forgotten and neglected. It had been insinuated, that by continuing in England he had shrunk from his duty. What circumstance of his public conduct was it that gave birth to such an idea? Was there one in his private life that did not mark the falsehood and cruelty of it?—After insisting on several miscellaneous matters; the resignation of ease and domestic comforts; the separations that had gone to the very convulsions of his heart; the zeal with which he had served his country; the arduous commands which he had accepted under as positive directions as ever were framed by a cabinet; and much more, which he pathetically urged; he concluded with hoping, that the time was not far distant, when he might justify his conduct, not upon general assertions, but positive proofs, and convince his Majesty, the parliament, and the nation at large, how injuriously and cruelly he had been treated.

Lord *G. Germain* expressed his concern at a charge of personal enmity, directing a spirit of persecution against the hon. gentleman, founded on no better grounds than a misunderstanding of what had fallen from him in the debate of the preceding day. He begged permission of the House to state the matter truly. Several gentlemen on the other side of the House had, in the course of their animadversions on the conduct of ministers, made the treatment of their officers and commanders a great ground of accusation; among others, the supposed hard treatment of the hon. gentleman was much insisted on; the order for his repairing to rejoin the army at Boston was deemed a singular hardship; and, when combined with the various causes assigned for it, became an accusation of a very serious nature. It was said, that this order proceeded from ungenerous motives; from a settled design of putting it out of the power of the hon. gentleman to vindicate his injured reputation; as an act of ministerial vengeance, for having voted against their measures. To refute these confident assertions, and to shew that none of the members of administration had a wish to prevent the hon. gentleman from vindicating himself, and that they were above taking offence at any vote he might give as a senator, he did, on the preceding evening, state the fact of the hon. gentleman's having received an order to repair to his proper station in America, to which no other answer had been received, but a bare acknowledgment that the order came to his hands; in proof, that the severity he complained of was not justly founded. If, by the paper which the hon. gentleman had just read, he had been mistaken, and ignorant of that circumstance, or forgetting to state it accurately, he trusted to the hon. gentleman's candour to give him credit, that he was actuated by no spirit of enmity, nor design to misrepresent, but simply related what he knew or recollected. The hon. gentleman insisted, that, as the order did not proceed from the commander in chief, it must have originated in the cabinet; if it did originate there, he professed himself totally ignorant of it, and if severe, he must stand acquitted of advising it; but the hon. gentleman himself, in relating the conversation he had with the noble lord at the head of the army, shewed, that it was not an order originating in the cabinet, but was delivered into his lordship's hands by the King himself, who, in order to the carrying of the convention of Saratoga into effectual execution, might perhaps think it proper, for obvious reasons, that the commander of that ill-fated army should be the sharer of all the consequences of that unsuccessful expedition.

Mr. *Fox* said, he would never sit silent in that House, and hear such unparliamentary language pass unnoticed. The King could do no act proper for the discussion of that House. The constitution knows no such individual power, and he

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hoped never would. He would not, he said, suffer even an idea to go forth, that the King transacted any thing relative to government without advice; and those only were amenable to that House, who dared to advise his Majesty improperly.

Lord *G. Germain* stood corrected as to the point of order. He presumed his Majesty was advised; but he had no hand in advising. With respect to the release of the unhappy men under the convention of Saratoga, he begged leave to set the hon. gentleman right: by his Majesty's directions, he had himself written a letter to sir H. Clinton, authorizing him to ratify that convention in all its parts; and as to the narrative given by the hon. gentleman, of his conduct and treatment since his arrival in this country, he believed in point of fact it was tolerably correct, but in point of fair construction and conclusion it called for explanation. On his arrival, the hon. gentleman had given sufficient testimony how cordially he was received; but by a most uncommon mode of interpretation, he pretended to charge him with insincerity, from subsequent circumstances that happened; the first of which was, his not being admitted to the royal presence: this no more originated with him, than the order already so often mentioned. His lordship begged to call the attention of the House particularly to one circumstance; the hon. gentleman had stated, that when he was told the King would not see him till an enquiry into his conduct had been made, he had pressed for an enquiry, which was absolutely refused. Now the truth was, that it was the hon. gentleman himself that first shrunk from an enquiry; for at a subsequent conversation upon the subject, being informed that nothing but a court-martial stood between him and the King, his answer was, that no such court could be held till the convention of Saratoga was fully ratified. Much had been said of a parliamentary enquiry; but to what purpose? The same objection must continue against trying, enquiring, or determining, on the conduct of a person who was not amenable to the justice of the nation, so long as he remained a prisoner under a convention authorized by the rules and usages of war. It would, therefore, be an insult upon the dignity of that House to set on foot an enquiry, which when finished, must vanish in unsubstantial air. He declared, that his mind was totally free from malice, envy, or ill-will; that he never had nor meant to insinuate the least censure on the hon. gentleman's conduct as a professional man. The hon. gentleman had said, that his instructions were positive and direct. He should not now go into the consideration, how far they were or were not. He wished as earnestly as the hon. gentleman for an enquiry at a proper season, and was ready to abide the issue.

The Report was then agreed to.

The Commons' Address of Thanks.] The Address of the Commons was as follows:

"Most gracious Sovereign,

"We, your Majesty's most dutiful and loyal subjects, the Commons of Great Britain, in parliament assembled, beg leave to return your Majesty the thanks of this House, for your most gracious Speech from the throne.

"We acknowledge, with the utmost gratitude, your Majesty's paternal regard for the happiness of your people, in your earnest and uniform endeavours to preserve the public tranquillity, and the good faith and uprightness of your Majesty's conduct to all foreign powers: and we assure your Majesty, that we have seen with concern and indignation, that tranquillity disturbed by the court of France, without the least pretence of provocation, or colour of complaint; and we have, with the warmest emotions of resentment, marked the progress of their malignant designs against this country; first by a clandestine aid and supply of arms to your Majesty's revolted subjects in North America; afterwards, in violation of the faith of treaties, and contrary to the rights and common interest of every sovereign state in Europe possessed of colonies and dependencies, by entering into and avowing formal engagements with the leaders of the rebellion; and, at length, by committing open hostilities and depredations, and by actually invading part of your Majesty's dominions in America and the West Indies.

"We cannot but feel concern and regret, that the measures taken by your Majesty, for disappointing these hostile and malignant designs, have not been attended with all the success which the justice of the cause, and the vigour of the exertions, seemed to promise; yet we have at the same time seen, with great satisfaction, the extensive commerce of your Majesty's subjects protected in most of its branches, and large reprisals made

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on the injurious aggressors, by the vigilance of your Majesty's fleets, and the active spirit of the nation.

"It would have given your faithful Commons the truest happiness, to have received the communication from your Majesty, that the just and humane purposes of your Majesty, and your parliament, for quieting the minds of your revolted subjects, had taken the desired effect, and had brought the troubles in North America to a happy conclusion.

"Your faithful Commons do most heartily concur with your Majesty, in the just approbation you have been pleased to express of the public spirit which has so conspicuously animated all ranks of your Majesty's faithful subjects to stand forth, at this time of danger, in the service of the militia, who, by their discipline, and steady perseverance in their duty, have enabled your Majesty to avail yourself of that constitutional force for the defence of this country.

"Your Majesty may rely on the hearty and zealous concurrence and assistance of your faithful Commons, in enabling your Majesty to make the most active and vigorous exertions by sea and land, for vindicating and establishing the national honour and security; and we beg leave to declare our stedfast resolution, and renew our solemn assurances to your Majesty, that this House, convinced of the importance of the objects for which we are contending, and impelled by every motive of duty and interest that can animate the hearts of Britons, will effectually assist your Majesty in the prosecution of the present just and necessary war; and that we will, to the utmost of our power, support your Majesty against all your enemies."

The King's Answer.] His Majesty returned this Answer:

"Gentlemen,

"I return you my thanks for this very loyal and affectionate Address. I am convinced that nothing can so effectually promote the public service, as your resolution and firmness at this time: I should ill deserve the support of my faithful Commons, and the zeal of my people for the honour of my crown, if I did not make their safety and their happiness the constant objects of my care and concern."

Debate in the Commons on the Navy Estimates—Altercation between Admiral Keppel and Sir Hugh Palliser.] Dec. 2. The House being in a Committee on the Navy Estimates,

Mr. *Buller* informed the committee, that he did not perceive the extent and probable effect of the motion made by Mr. Luttrell the preceding day; otherwise he would never have consented to it. He thought it would be extremely impolitic, and even dangerous, at the commencement of a war, to inform our enemies of our effective strength. The navy was the great bulwark of this country; any disclosure of its state, in that House, would soon get out among the public, and of course come to the knowledge of our enemies. If the gross number of seamen now employed in every species of service be all the hon. gentleman wants to know, he could satisfy him in that particular by an abstract which he had taken that morning, and which amounted to 77,000 men. He next endeavoured to convince the House, that the state of the navy, as delivered to the House last year on a former debate, was strictly true, though strongly controverted by the same hon. gentleman. There were, at the period alluded to, 20 ships of the line under admiral Keppel, 13 under Byron, 1 sent to India, 1 to the Mediterranean, 1 on the Newfoundland station, 1 at New York, 3 under admiral Barrington, and 3 in dock with their full complement of men, undergoing some slight repair; in all 44, besides 17 in various states of forwardness, 7 of which in a few weeks augmented admiral Keppel's squadron when he sailed a second time to meet the French fleet; so that in fact, instead of having 20 sail in November, we had 35; and instead of 35 in April, we had 44; and in a very few weeks after 51; which number had since been considerably augmented. He then adverted to the charge of embezzlement; he said, he sat at the board at the time the hon. gentleman had charged the deficiency; and he affirmed from his own knowledge, that it could not be supported with the least shadow of proof. He concluded with moving, "That 70,000 seamen, including 17,389 marines, be employed for the service of the year 1779, and that 4*l.* per man per month be granted for the same."

Mr. *Temple Luttrell* spoke first to the motion, and entered into a detail of the number of seamen voted in various years for the public service, shewing the expence to the nation each year, and pointing out the uniform deception of parlia-

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ment by administration, who, for the most part, asked for more seamen than they ever employed, and that the money unappropriated was generally embezzled, or at least never brought to account. He approved of the resolution, and was willing to concur in a vote for 80 instead of 70,000 seamen, if thought necessary, in order to carry on with vigour the war against France. But he nevertheless thought it a duty he owed to his constituents, to call upon ministers to give every necessary satisfaction to the nation, that the money thus generously granted was faithfully applied. The hon. gentleman had betrayed strong feelings on the charge of embezzlement, and had taken upon him to affirm, from his own knowledge, that there was not a shadow of foundation for such an accusation. He should not reply in a mere negative, but draw his proofs from documents which it would not be decent to controvert. He then ordered the Journals of 1771 to be read, which being done, it appeared therefrom, that 40,000 seamen were voted for the service of 1771; and in the same Journal, March 1772, that the amount of the men borne and mustered, in the course of 1771, did not amount to 31,000. The 4*l.* per man per month, for 13 months, for 40,000 men, amounted to 2,080,000*l.* out of which deduct the navy-ordnance for 40,000 at 4*s.* per month, according to custom, and the balance paid over to the Admiralty-board was exactly 1,976,000*l.* which was exactly an embezzlement of 520,000*l.* the difference of the pay of the men voted, and actually borne and mustered. These were facts so well authenticated, that they were not to be met by reasonings or arguments, but by facts of equal authority, shewing to what uses the surplus had been appropriated; which was not now to be seen in any account whatever.

He said, though the navy was the most important object, nationally considered, that called for the attention of ministers, that it had been for several years, and particularly the last, the object they most neglected. He charged the noble lord in the blue ribbon with having constantly slighted it as matter almost beneath his notice, since he scarcely ever attended the House when the navy was under consideration, although it was his duty at all times to be present in his place, in order to afford gentlemen satisfaction upon such occurrences as they had a right to enquire about, and without a knowledge of which it was impossible for them to do justice to the nation. He went over the old ground of the state of the navy the beginning of the year, the assertions of those who sat at the Admiralty-board respecting the number then fit for sea, and the number that would be soon fit for sea, and declared that it was notorious to all the world, that we had not 25 sail of the line fit for sea, on home-service, though the Admiralty pledged them for 35, and 7 more in forwardness, and our fleets were so far from being equal to the fleets that France and Spain could send against us, we were not equal to the fleet of France alone, when admiral Keppel first sailed from Spithead. He spoke also of the injudicious retarding of admiral Byron's sailing to join lord Howe in America, or of not detaching a part of his fleet for that purpose. He called gentlemen's attention particularly to the subject, desiring them to recollect, that it was the first conversation which had taken place in that House upon the conduct of the Admiralty since the 27th of July, the business of which day loudly demanded an immediate enquiry. He begged the committee to consider, that admiral Keppel could not sail again with the same vice-admiral, the vice-admiral of the blue; he did not attempt to blame either the vice-admiral or the commander in chief, but he said, the whole nation eagerly expected, that the affair should be investigated; that if either officer deserved censure, it should be passed upon him; and if it appeared that the difference between the two officers arose merely from ill-grounded jealousy, that it was essential to the service that such jealousy should be removed. The two admirals were, he observed, now in their places; he hoped, therefore, they would give the House some information on the subject, as well for the sake of their own honour, as for the sake of public tranquillity, at a moment when it was so essentially necessary that our military commanders, both by sea and land, should have no differences. He was aware that every attempt to promote parliamentary enquiries, either into the nature of the expenditure of the public money, the conduct of officers, or the instructions given to them by ministers, would all be turned a deaf ear to by the noble lord in the blue ribbon and his coadjutors, and that he should be told that gentlemen who pressed such inquiries clogged the wheels of government, and

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prevented ministers from serving their country. He should nevertheless persevere; and as to clogging the wheels of government, he declared he had no such intention, it was the common excuse of bad ministers, and generally used by the worst. The ministers of James 2 had used it; the ministers of Dionysius the tyrant and of Domitian had used it, and every despotic minister of a despotic and bad-intentioned prince might use it. He solemnly protested his conduct, on the present occasion, was independent of any party idea; he spoke neither from prejudice to one set of men, nor from partiality to another.

Admiral *Keppel* said, he could not sit silent when he heard himself called upon so directly by the hon. gentleman who spoke last, however disagreeable it might be to him to say any thing in that House respecting the affair of the 27th of July, an affair in which his character as an officer was so materially concerned. It had been said in that House (by governor Johnstone), that if admiral Keppel were to go through the business of that day again, he would not fight the French in the same manner; he desired the gentlemen to know, that admiral Keppel was then speaking, and that admiral Keppel declared, if he was to go over the business of the 27th of July again, he would have conducted himself in the same manner. He said, every thing that could be done, had been done; and he was happy to say, the British flag had not been tarnished in his hands. He felt himself perfectly easy on that head, and should never be ashamed of his conduct on the day alluded to. The oldest and most experienced officers in his Majesty's navy, in every engagement, saw something which they were before unacquainted with: and that day presented something new. He impeached no man of a neglect of duty, because he was satisfied that the officer alluded to (sir Hugh Palliser) had manifested no want of what was most essential in a British seaman—courage.

He apologized to the House; said his situation was difficult and delicate; that his health nor spirits would permit him to enter into detail, nor could it be expected from him to answer any particular questions. He seldom spoke in public, nor could he trust to his memory. In consequence of what had passed in the House on the first day of the session, he had committed to writing what he thought necessary to say on the occasion, whenever his conduct on the 27th of July should happen to be introduced into conversation or debate in that House. With permission he should read it. He accordingly produced a written paper out of his pocket, the substance of which was: That he had been called upon at a very critical and perilous conjuncture, by his country, to stand forth in its defence; that he sacrificed every personal consideration to the public service, and accepted of the command of the fleet, without having a single friend in administration. Upon finding his force greatly inferior to the enemy, he did not think it prudent to risk the total destruction of the squadron under his command, on such unequal terms; and therefore, as soon as he had learnt the real strength of the enemy, he returned home for a reinforcement. When reinforced, he had no reason to complain of inferiority. He was satisfied with the number and condition of his ships, with the skill and gallantry of the officers, and bravery of the seamen. So far he thought proper to explain his general situation; but he hoped it would not be expected that he should answer particular questions, relative to what passed in action, or respecting individuals; it was not his duty, nor would it be proper to do it either in regard to himself or others; but he was nevertheless ready, whenever properly called upon, to enter into the fullest explanations relative to his own conduct, either there or elsewhere. Nothing was left untried to bring the French to a decisive action; but unless both squadrons were equally desirous of it, it was impossible to bring thirty ships against thirty ships; to effect it, both squadrons must be equally determined to conquer or perish; in which, no doubt, a perseverance in such a resolution would soon render an engagement decisive. He laid no blame any where, for it was his constant practice to endeavour at promoting the public service, whenever he commanded, as far as depended on each officer's doing his duty, more by example and encouragement, than by the rigour of discipline or severity.

He said, he had been much surprized, when an officer under his command had made an appeal to the public, in a newspaper, signed with his name, before any accusation had been made against him, and which tended to render him odious and despicable in the eyes of his countrymen. He confessed, he was so shocked, that he

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resolved never to set his foot aboard ship again, because he thought there was an end of all obedience and command. However, upon reflection, and when his first emotions had subsided, he hoped matters might be properly explained; but till that event took place, he informed the noble lord who presided at the Admiralty-board, that he never could sail with the gentleman alluded to. He believed the vice-admiral was no stranger from whence the anonymous attack came. He had himself been frequently the subject of newspaper abuse; but he had not appealed to the public, nor refused to serve his country when his services were demanded. He did not suspect ministers to be the authors or promoters of the abuse which appeared in the public prints; they on the contrary seemed his friends, caressed and smiled upon him; but if any of them were capable of cutting his throat, of vilifying and secretly aspersing him, he did not suppose they were near him; if they were, he was perfectly indifferent as to their smiles or their frowns, and regardless of every consequence which might follow from either, and was still ready to serve his country with the warmest zeal, and to the full extent of his abilities.

Sir *Hugh Palliser* rose. He declared, he was so conscious of not having been any hindrance to a re-action with the Brest fleet on the 27th of July, that he was equally indifferent, with the hon. admiral, how soon an inquiry was set on foot; on the contrary, however it might be generally thought more advisable to urge one, for the sake of the public, it was his interest to wish for one, because he was certain it would then come out, that he had done his duty in every respect, both as an officer and a man. The hon. admiral seemed to speak with a kind of reserve, as if there was something behind; he heartily wished him to speak out, that knowing fully what was imputed to him, either on the score of neglect, inactivity, or want of judgment, he might have an opportunity of fairly answering the charge, and abiding by the judgment of the committee, whether he was or was not criminal. He had discovered, from what the admiral had just said, that the principal matter which weighed against him in the admiral's mind was the publication in the newspaper; a publication which he had signed with his name, and by which he would abide. If it was imprudent, if it was wrong, the consequence was to himself. The hon. admiral had been kind enough to do him justice on the essential point of courage; he should be nevertheless exceedingly uneasy if he was thought deficient in other respects as an officer. It was on that very account that he had appealed to the public; he heard, when he came on shore, after the affair of the 27th of July, that it had been insinuated that he was a hindrance to a re-action with the French fleet: an unauthenticated insinuation of neglect of duty, was a severer stroke to an officer than any direct terms of accusation, because it was more difficult to remove entirely; he therefore, to clear his honour, which he felt attacked, waited on the commander in chief to have the matter set to rights, and to have the insinuation wiped away: he could get no redress. To say any thing against a friend, was, to a man of sensibility, the most disagreeable thing in nature; but where an officer's reputation was at stake, the removing an unjust stigma was certainly the first object; he had therefore appealed to the public, he had stated facts to them, and by those facts he would stand or fall. With regard to the report of not obeying signals, it was a false report; but even were it true, the public service could not have been affected by it, considering the circumstances of the day. Before he sat down, the vice-admiral repeated his assertion, that he was neither guilty of neglect of duty nor of inactivity, and in fact, that he was by no means instrumental in preventing a re-action with the fleet of M. d'Orvilliers; he repeated, that he held all low insinuations and affected tenderness in the utmost contempt. If there was any real ground of accusation, why not make it fairly and openly? If not, why insinuate that he had been wanting in point of conduct, though a testimony was given in favour of his courage. This he said was a language extremely different from that of the admiral's dispatch, containing an account of the action, in which he informed the Admiralty-board, of the spirited and gallant conduct of all the officers under his command. On the whole, he despised all the means resorted to, both within and without doors, to vilify and traduce him as a professional man; but conscious of his innocence (though he did not look upon the present as a season fit for such discussion, lest the public service might suffer by it), he feared neither reports nor assertions, a parliamentary inquiry, nor a public trial.

Admiral *Keppel* seemed to disapprove

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much of relating the private conversation, which had now been reported by the vice admiral to have passed between them at his own house. He said, nothing of a nature merely private was a matter of public discussion. The vice admiral had defended his appeal to the public, on the ground that his conduct had been grossly misrepresented in the public prints: he should nevertheless continue to think that such an appeal was extremely improper: it contained many matters objectionable in their nature, besides what immediately related to his own justification, sufficient to fix his former resolution never to go to sea again with the vice admiral of the blue. As to any insinuations or indirect charges, he knew not whence they came; for his part, he had made none; nor did he know any part of the vice admiral's conduct deserving of censure, but his seeing the name of "Hugh Palliser" signed to a letter in the Morning Post. The vice admiral had quoted his dispatch from aboard the Victory, containing a full approbation of the conduct of all the officers present that day, in which he was included. Most certainly the conclusion was fair; and he was again ready to repeat it, and point that testimony particularly, as well as generally. The vice admiral had alluded to signals, and said that it was no fault of his that the fleet of France was not re-attacked. As to that, he could only say, that he presumed every inferior officer was to obey the signals of his commander; and now, when called upon to speak out, he would inform the House and the public, that the signal for coming into the Victory's wake, was flying from three in the afternoon till eight in the evening unobeyed; at the same time he did not charge the vice admiral with actual disobedience. He doubted not, but if an enquiry should be thought necessary, that he would be able to justify himself, because he was fully persuaded of his personal bravery. He repeated, that he was his country's friend, and was ready to do every thing in his power to promote its interest, and advance its honour; farther than that, he had nothing to do with administration, and was little solicitous about any matter but what related to a due performance of his duty. He was happy to think that the British flag had suffered no disgrace, while intrusted to his care, and he hoped never would.

Mr. *T. Luttrell* rose, and was proceeding to make animadversions on what had now passed, and move an address to the crown to order a trial of sir Hugh, but was called to order by lord Mulgrave, for deviating from the subject of debate.

Lord *North*, in answer to the charge of embezzlement, declared, when he first heard of it, he did not know that it was laid at the door of the Treasury board; but that although those who embezzled the public money ought to be severely punished at all times, he was exceedingly happy to hear of the embezzlement in question, let who would be guilty, because 450,000*l.* just at present would be very useful to the public; and as the gentleman had so unexpectedly found that such a sum was embezzled, he doubted not it would be forthcoming; unfortunately, however, for the public, it now appeared that there was no embezzlement at all, as he would convince the committee. His lordship then went into a detail of the nature of the navy estimates, and the public papers delivered at the table from the respective boards of the Treasury, Admiralty, and Navy, (under the titles of Distribution and Appropriation Papers,) declaring that the 4*l.* a man voted for the navy, was applied to four different heads of service, viz. seamen's wages, victualling, wear and tear, and ordnance. That the sum voted was never equal to the expenditure, and that as the hon. gentleman had truly said there was a saving of upwards of 450,000*l.* in 1771, so that sum was applied to the diminution of the navy debt, which of course at the end of the year was 450,000*l.* less than it otherwise would have been. His lordship added, that if he was to assert that the first lord of the Admiralty and himself were above embezzling the money voted for the navy service, possibly the hon. gentleman would not believe him; it would therefore, he doubted not, please him much better to hear that were they inclined to embezzle it, it was not in their power to touch a halfpenny of it. He then explained, that it never came into their hands; that the Treasury board was obliged to pay every shilling voted by parliament for the service of the navy to the treasurer of the navy; that the treasurer could not embezzle it, as he could make no payment without a draft on him from the commissioners of the navy, and that the treasurer's accounts were kept in the most exact manner, and settled daily under the inspection of the commissioners. His lordship took notice of Mr. Luttrell's disavowal of any intention of clogging the

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wheels of government, and declared he had never charged the hon. gentleman with any such design: that he commended him for his spirit of inquiry, and so far, says he, am I from entertaining the most distant thoughts of the hon. gentleman's clogging the wheels of government, that I am persuaded he no more clogs them than the fly in the fable, who settling on the chariot wheel, thought she raised the dust with which she was surrounded; whereas, poor innocent thing, she fixed where she had a right to fix, and did not in the least incommode either the action of the wheels, or the quiet of the person who rode within side.

Mr. *T. Luttrell* said, the noble lord's humorous simile should not divert him from fixing the attention of the House on a business no less serious than important. He contended, that the noble lord had not said a syllable which even tended to meet the charge of embezzlement. He had indeed asserted at random, and taken his assertion as so much proof, that the allowance of 4*l.* per man per month was insufficient to answer wages, wear and tear, ordnance, or victualling. The excess of expenditure, he granted, formed part of the navy debt; but what he still contended was, that no evidence had as yet reached that House, of the appropriation of the surplus, nor the necessity of it; if it had, it was in the power of ministers to instantly give the satisfaction sought. Produce an account of the whole of the navy debt incurred in 1771; shew that a deduction of 450,000*l.* had been made out of it; that is, shew the nation that they have had credit for that sum. If parliamentary accounts mean any thing, they mean a full account; any thing but a full account means nothing; for whatever is omitted, may, it is true, be applied to the service to which it is stated: but unless the specific services are laid before the House, it is, in the contemplation of the House, no account. The noble lord had endeavoured to shift the charge off his own shoulders, by affirming, that the money issued was by requisition from the treasurer of the navy; that the board, at which he presided, acted only in a ministerial manner, and had no immediate check to either examine or controul the requisition thus made. The treasurer of the navy at that time was lately dead, and his lordship had probably in view the well known adage, that "dead men tell no tales." With regard to the noble lord's apt simile, it had done him honour. His lordship, in this line of debate, was known to be an original. Whenever the noble lord found himself closely pressed in argument, or fact, it was his known practice to get rid of the question by a joke. His manner was no less curious than his matter; when he was half asleep, or seemingly quite asleep, he collected a store of wit and humour, from Æsop, Phædrus, or Joe Miller, or some other book equally distinguished for such species of drollery; and, instead of reasoning, was sure to treat the House with a laugh. As to his simile of the fly on the chariot wheel, if he and his associates lived in another country, and had their deserts, they would long since have been put upon a proper wheel; such a wheel as the system and principles of the noble lord's government, among other blessings inseparable from despotism, tended to introduce into Great Britain; he would therefore rather be the fly in the fable, than an object of ignominy and detestation, upon the wheel of public vengeance.

After some further conversation, the Resolution was agreed to.

Debate on Mr. Coke's Motion relative to the Manifesto published by the Commissioners for restoring Peace with America.] Dec. 4. Mr. *T. W. Coke* moved, That the Manifesto and Proclamation from his Majesty's commissioners at New York, to the members of the Congress, the members of the general assemblies, and to other persons, inhabitants of the colonies in America, contained in the printed book presented to this House on Wednesday last, might be read. And the same being read accordingly, he moved, "That an humble Address be presented to his Majesty, to express to his Majesty the displeasure of this House, at a certain Manifesto and Proclamation, dated the 3rd of October 1778, and published in America under the hands and seals of the earl of Carlisle, sir Henry Clinton, and William Eden, esq., commissioners for restoring peace to the colonies, and countersigned by Adam Ferguson, esq. secretary to the commission: the said Manifesto containing a declaration of the following tenor:

'If there be any persons who, divested 'of mistaken resentments, and unin- 'fluenced by selfish interests, really think 'that it is for the benefit of the colonies 'to separate themselves from Great Bri- 'tain, and that, so separated, they will 'find a constitution more mild, more free,

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'and better calculated for their prosperity, 'than that which they heretofore enjoyed, 'and which we are empowered and dis-'posed to renew and improve; with such 'persons we will not dispute a position 'which seems to be sufficiently contra-'dicted by the experience they have had: 'but we think it right to leave them fully 'aware of the change which the main-'taining such a position must make in the 'whole nature and future conduct of this 'war: more especially, when to this posi-'tion is added, the pretended alliance with 'the court of France. The policy, as well 'as the benevolence, of Great Britain, 'have thus far checked the extremes of 'war, when they tended to distress a peo-'ple still considered as our fellow-subjects, 'and to desolate a country shortly to be-'come again a source of mutual advan-'tage; but when that country professes 'the unnatural design not only of estrang-'ing herself from us, but of mortgaging 'herself and her resources, to our enemies, 'the whole contest is changed; and the 'question is, how far Great Britain may, 'by every means in her power, destroy, 'or render useless, a connection contrived 'for her ruin, and for the aggrandizement 'of France. Under such circumstances 'the laws of self-preservation must direct 'the conduct of Great Britain, and, if the 'British colonies are to become an ac-'cession to France, will direct her to ren-'der that accession of as little avail as pos-'sible to her enemy.'

"To acquaint his Majesty with the sense of this House, that the said commissioners had no authority whatsoever, under the act of parliament, in virtue of which they were appointed by his Majesty, to make the said declaration, or to make any declaration to the same or to the like purport; nor can this House be easily brought to believe, that the said commissioners derived any such authority from his Majesty's instructions:

"Humbly to beseech his Majesty, that so much of the Manifesto as contains the said declaration, be forthwith publicly disavowed by his Majesty, as containing matter inconsistent with the humanity and generous courage which in all times have distinguished the British nation, subversive of the maxims which have been established among Christian and civilized communities, derogatory to the dignity of the crown of this realm, tending to debase the spirit, and to subvert the discipline of his Majesty's armies; and to expose his Majesty's innocent subjects, in all parts of his dominions, to cruel and ruinous retaliations."

He expressed his indignation at finding, that a new system of war was likely to be pursued in America, by which the generous spirit of the nation would be perverted, and barbarity called forth to reign over the ruins of civilization and society. He could not think that the planners of such a system could have attended for a moment to the rules of policy and self-preservation. If a new mode of war was to be introduced, reprisals and retaliation ought naturally to be expected. Our situation at present forbad us to provoke them; the northern coasts of England and Scotland were not covered, and Ireland was naked and defenceless. Privateers had landed men in our own country, and if they did not burn and destroy, it was not because they had not the power, but because we had not, by our conduct, set them an example of retaliating on ourselves. In the just dread, therefore, of attacks, which, though we might provoke, we were not able to prevent: in the just dread of a degeneracy of spirit in the nation, and in support of the rights of humanity, he could not but pronounce his detestation of the principle by which the article in the proclamation was dictated, which threatened the Americans with the horrors of a new system of hostilities, which every law, as well human as divine, equally reprobated; and to express this detestation more fully, as well as to vindicate his country, in the eyes of the world, from the character of barbarity it might gain by following the threatened system, he moved this Address.

Mr. *Conolly*, though he despaired of success from all the arguments that might be adduced in support of the motion, could not but rise to exonerate himself from the blame that would hereafter attend the measure which the motion was calculated to condemn: he wished that posterity might know that he had had no share in bringing on the calamities that this country had suffered by the American war, for which he had never given a vote; nor in those to which it would be exposed by the new system that was about to be laid down. If severity could be used towards the guilty among the rebels, it might be exercised with justice, and with his approbation; if the Congress, that assembly of men who had set every right of nations and humanity at defiance, could be seized

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and punished according to their deserts, he would approve of the most rigorous punishments on such daring offenders: but they, in all probability, would escape, and the innocent become the only sufferers. In the consequences, too, of a new system of barbarity, the innocent among ourselves would be the greatest sufferers: the unfortunate kingdom of Ireland, to which he more immediately belonged, would be the most exposed to ruin and devastation: that kingdom, which had had no hand in the American war, and which was never to reap any benefit from it, that unhappy kingdom would be ravaged by the retaliation which this new system must necessarily call forth; for it was perfectly defenceless, and every where exposed to the descent of the enemy. No forts, no fleets to protect it; the capital itself, Dublin, had been open to invasion till the latter end of summer, when two Newcastle cats, of 16 guns each, had been stationed at the entrance of the harbour. This was the posture of a country which had no defence against an enemy, and which, though it has a parliament of its own, finds, in its poverty alone, a security against a similar treatment which America met with, when the British parliament had attempted to tax her. That poverty, however, which secured the Irish against the attacks of the British parliament, would in the end rob their country of its most useful hands; oppressed by their own governors, plundered by the common foes of the empire, they would infallibly emigrate to America, where they could find an asylum from poverty, wretchedness, and oppression. He seconded the motion.

Mr. *Macdonald* was amazed that gentlemen could so far torture words as to give them a meaning which had not occurred to him, when he read them, and which he dared to say had never occurred to the commissioners who had written them. He looked upon the proclamation to be a sober, sensible, well meant address to the provinces of America; nor could he infer from it that any new scene of barbarity and desolation was to be opened by our armies: if wanton cruelty and desolation were the objects held out to the rebels in the warning that was given to them by the commissioners, he would be among the first to condemn those who could attempt to disgrace their country, by threatening an enemy with barbarities which nothing could justify: if cruelty on the part of the enemy could justify cruelty on our side, we had instances that might have tempted men who were not dead to passion and resentment. Who thrust out the eyes of wounded prisoners? The Americans. Who burned New York? The Americans. Who burned Norfolk? A part indeed was burnt by the King's troops; but three-fourths of the town were burnt by the Americans. What were the cruelties exercised towards col. Campbell? Thrust into a dungeon amidst the ordures of a malefactor who had been sent out to execution, that gallant officer was bolted and chained to the ground, without light, without his servant to attend him, and almost without food. This was treatment such as the annals of no civilized country could parallel. What was the behaviour of the court that had tried col. Henley? It was plain that the sentence of that court had been determined on before the trial commenced; nor could all the eloquence of gen. Burgoyne bring down punishment on men, who had basely murdered some of our soldiers, their prisoners, in cold blood. What would gentlemen call the murder of lieut. Browne, and what did they think of the imprisonments of gen. Phillips in consequence of his remonstrances on that murder? Were not these barbarities of the deepest dye? Did they not call for dreadful and terrible retaliation? And yet no such retaliation had been used. Why, then, should gentlemen suspect that we were now going to open a scene of barbarity, when we had no new cause, and after we had been proof against the great temptations we had hitherto so generously resisted? He understood the part of the proclamation which gave such an alarm, to be nothing more than a warning to the rebels not to expect that lenity in future, which we had shewn to them during the course of the war, when we looked upon them as our fellow subjects, and whom we wished to reclaim by the most singular mildness and indulgence. By their alliance with France, the natural enemy of our country, they had forfeited all right to clemency; they were therefore in future to be treated no longer as subjects of Great Britain, but as appendages to the French monarchy, whose interests they had preferred to ours: parental fondness should no longer sway the breasts of our rulers; war should assume a different form from that in which it had been conducted from the beginning of the rebellion; and the Americans might prepare to be treated, not, indeed, like

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beasts or savages, but like common enemies, for whom we no longer retained any trace of affection, which their unnatural alliance had absolutely effaced, but which had subsisted longer than it could have prudently been expected, after the many unprecedented provocations they had given us to take off the ties of affection at a much more early period. War now they should have in its full vigour; not such an one as they had been all along accustomed to, and which had been so tempered with peace, that it scarcely deserved the name of war. This he conceived to be the meaning of the words in the proclamation: he hoped it would have the desired effect on the rebels; he flattered himself that it was a happy omen to see the friends of America so alarmed at it; and their terrors he would deem the forerunners of that general consternation in America, which would make the deluded colonists open their eyes before it should be too late, and return to their allegiance to the mother country. And as this warning did not convey to his mind the shadow of an idea, that wanton slaughter and desolation were to mark the footsteps of our army, he could not but give his negative to the motion.

Mr. *Powys* said, when he supported the motion, he deemed himself the friend of humanity; he wished to prevent war being armed with new terrors. Bravery and humanity had ever been the inseparable attendants on a British army; they were now going to be banished from it; cruelty and barbarity were to replace them. The American war had been called the war of parliament. Had parliament ever authorised a war that militated against humanity? Did parliament ever hold out as instruments of reconciliation, the tomahawk and scalping knife? Did parliament ever tell the Americans that they were to walk over the bodies of their innocent wives and children, and the smoking ashes of their cities, to make their peace with our commissioners? Why, then, attempt to give the sanction of parliament to measures which it had never dictated, which it had never approved; nay, which were a libel upon parliament? It were impossible to expect peace from such measures; ministers by their conduct had murdered peace. If the Congress could be picked up, man by man, and put to the most exemplary punishment, they should all fall unpitied by him, because they really deserved every severity that could be inflicted on them; but he could not in justice, in honour, in humanity, but condemn a system, which must equally involve the innocent and guilty in destruction.

Mr. *Hans Stanley* could not bear with temper the affront that was going to be put upon his profession, when soldiers were to be converted into butchers, assassins, and incendiaries: he liked open honest war, but could not bear to sheathe his sword in the bowels of age or innocence: he would not tarnish the lustre of the British name by acts of barbarity, nor give his sanction to the measures of the most infamous administration that ever disgraced a free country. He then paid some very high compliments to the army in America, in which he had had the honour to serve three years, and to the general who lately commanded it. As a representative of a great trading county, which lay exposed to the ravages of an enemy, where, if an enemy should land with only 500 men, the most dreadful devastation might be committed with impunity, he would but ill discharge the trust reposed in him, if he did not, with all his power, oppose a system which would be a plain invitation to France and America to burn our towns, destroy our manufactures, and butcher in cold blood our helpless and inoffensive women and children.

Mr. *James Grenville* was against the proclamation, becaase he could deduce from it, that it pronounced the approaches of a new scene of hostilities, such as ought not to be exhibited by any civilized nation. Such a war might well be approved by an Onondegon, a Chicksaw, or Cherokee savage, but would imprint indelible disgrace on a people who piqued themselves on their humanity. It was not against America, but against France that we should shew our resentment; the spoils of the French should make us some amends for the loss of three millions of subjects, thirteen provinces, and the island of Dominica. He condemned that pitiful policy dictated by despair, of burning what it was not in our power to retain.

Sir *William Howe* could not approve of measures that in any wise savoured of cruelty; several reflections had been thrown on his character in his absence; and perhaps it was because he had shewn too much mildness in the prosecution of the war. He did not know to whom he ought to ascribe the attacks on his reputation; if they had not originated from, or been encouraged by ministers, at least

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they had not been contradicted by them. He thought it not improper then, when he was on his legs, to say a few words about his resignation of the command in America. He declared that it had been in consequence of a total disregard to his opinions, and to his recommendations of meritorious officers. The war had not been left to his management; and yet when he applied for instructions, he frequently could not get them. The noble lord at the head of the Treasury had indeed supported him; but the noble secretary for the American department had not used him well;—had often left him without instructions, to shift for himself at the opening of a campaign, without sending information how to act. He expressed a desire to see a parliamentary enquiry take place, when, on a clear investigation of the whole business, the House, and the nation at large, might be enabled to form a just opinion; and to pronounce which was to blame, himself or the American secretary. He concluded with saying, that whatever orders were sent to America for the conduct of the war, he was sure they never could be executed to the satisfaction and advantage of this country, while they went through the hands of that noble lord.

Lord *G. Germain* was surprised at so unexpected an attack upon him: if he had foreseen the charge brought against him, he would have come prepared; but as it was, he would defend himself as well as his memory would permit him. He declared that he had never dropped an expression prejudicial to the hon. gentleman's character out of the House; that he had never done so in the House, every gentleman there could bear witness: he had never suffered 24 hours to elapse after the receipt of dispatches from the hon. gentleman, without carrying them to the King; and he never once omitted to second, with all his influence, every project, every recommendation sent by the general. He could only remember three instances, when his recommendations were not immediately complied with: the first was, when he had recommended as gallant an officer as any in the service, lieut. col. Harcourt, to the rank of colonel; the King had expressed himself in as warm and flattering terms of the young officer's merits as any prince could do; but delayed his royal favour for three days, because a promotion of colonels was going forward, which was purposely brought down to col. Harcourt, that he might be included in it; and, as a proof of his particular esteem, the King immediately after appointed him one of his aides de camp. The second instance was that of a major White, who was sent over with a plan for dismounting 500 dragoons, forming them into a battalion, and sending them over to America: this plan was not approved, for two reasons; 1. because, in the then state of the nation, all the cavalry at home was necessary for our own defence. 2. Because it might create jealousy and discontent in the army to see a battalion serving on foot, with higher pay than any other corps in the army. The third instance of a capt. Emmerie, who produced a plan that was seemingly so romantic and imprudent, that for his part he did not imagine the general was serious in his recommendation: this captain was a man of no property, and yet the first thing that was to be done for him, to enable him to raise 1 or 2,000 German Chasseurs, was to give him 1,000*l.* after the receipt of which he was to go over to Germany and establish his quarters in the electorate of Hanover. One thing very curious there was in his plan, that his Chasseurs were to have among them a body of horse, which were to be stallions brought from Poland to mend the breed at New York; this appeared so extravagant that it was imagined that sir William had given way to the solicitation of the planner, only to get rid of his importunities. The general might perhaps have had some cause of complaint about the promotion of officers at the War Office; but for that he was excusable, as it was quite out of his department. Without regard to the leave the general had solicited to return home, he had laid his request before the King; and had by order returned for answer, that it gave his Majesty concern that he should think of resigning his command; that he would, however, take his request into consideration. The campaign had not at that time been closed, and the King had not thought proper to appoint a successor to the general before the close of it; he then sent him leave to return home, provided sir H. Clinton were still in America to take the command; but that if sir Henry should not be in America on the arrival of the leave, (for sir Henry had likewise solicited permission to return), that the general was to wait until a successor should be appointed: this was the plain truth; and

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from the flattering expressions of royal concern at his return, the world might judge whether or not the King had been prepossessed with any insinuation to the prejudice of the general. His lordship then declared upon his honour, that he had ever seconded the demands, remonstrances, and plans of the hon. gentleman, and that he had gone so far as to urge a compliance with them more than once, twice, or even three times. As to the conduct of the war, if it had not been as successful as might have been wished, it was not only doing him an injustice in making him the cause of our miscarriages, but even making him of much more consequence than he really was, by attributing to him the sole management of the war: he was but the humble servant of the crown; if he had not the greatest abilities to recommend him, at least he had this much to say as an excuse, that he had always acted since he had been in office, to the very best of his judgment. If the hon. general had not immediate instructions when he called for them, it was because many things depended upon unforeseen circumstances; and as it was impossible to send letters every day beyond the Atlantic, the general must necessarily, in many respects, be left to his own discretion. He had not a wish to prevent any enquiry that might rescue the reputation of any gentleman from obloquy; and he trusted, that, if a parliamentary enquiry should take place, he was so prepared to meet it, that his honour and character should come off in triumph. Returning, then, to the motion, he appealed to Heaven to witness, that in his life he had never been more surprized than when he heard the construction that had been put upon the proclamation. He disclaimed, and reprobated as detestable, every species of war that militated against humanity, and those laws of civilization that had smoothed the rugged face of war; but he maintained, that no man could fairly deduce, from the words of the proclamation, that any thing more was intended to be done than to treat America no longer as a child, that was to be reclaimed by gentle correction, but as an enemy, that was to be forced into peace by dint of arms, and by fair, honest, open war. America, by leaguing with France, should no longer be treated as a British country, but as a part of the dominions belonging to the French crown; the Americans, by their alliance, were become French, and should in future be treated as Frenchmen. This, and this only, was to be understood from the proclamation; wanton cruelty could not be patronized by the King, or by any Briton; no British minister would dare to send orders for committing wanton barbarity to a British army; and no British army ever would, or ought, in any case, to obey them. He would not allow that the burning of a warehouse converted into a battery, or of houses or towns that were become repositories of military stores, or places of arms, could be called cruelty. Such acts had been always practised by every civilized nation in Europe; and every thing that could be attempted with a prospect of success, that could distress an enemy, and disable him from injuring the opposite party, had been always held justifiable by the laws of war. He had not heard of an address to his Majesty, expressive of displeasure at the orders given to sir George Rodney to bombard Havre-de-Grace, and similar orders to several other officers; no more than he had heard it reprobated to fire upon a ship, merely because some innocent person might perish through it. Even at home, did not the laws of England allow us to destroy our own country all around us, to prevent the enemy to find provision or forage? By how much a stronger reason ought we to destroy the country of our open, declared, and avowed enemy? Upon the whole, as the proclamation breathed nothing inconsistent with the general principles of war, and as nothing was intended to be done which could clash with the idea we had of war, he thought the address improper, and would therefore oppose the motion.

Lord *Howe* felt for the noble lord being taken unprepared; it was fit, he said, that he should have timely notice of an attack upon him; and he should be glad that an enquiry should take place on himself, his brother, and the noble lord, that all three might have a fair opportunity of vindicating their characters.

General *Burgoyne* said, he intended to vote for the Address, but wished to screen himself from the imputation of inconsistency; he was an enemy to every species of cruelty, to any thing unbecoming a soldier. If he had published any thing, when at the head of his army, that had inspired gentlemen with an idea that he intended to urge a cruel war, his meaning had not been properly understood; for his proclamation was calculated only to assure the inhabitants, that desolation should be kept

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far from them, and their property be secured to them. He would say this much, however, that tomahawks and scalping-knives had been restrained by him, and every aid, every encouragement in pecuniary and other ways given the Indians for bringing in prisoners unhurt: that his inflexibility in that respect, his resolution even in punishing when he could, and not any other cause, as had been set forth in a long French letter addressed to him in a news-paper, by M. St. Luc de la Corne, had caused the desertion of the Indians. He justified, by precedent in the last war, and by the opinion of general count de la Lippe, the burning of houses, towns, or villages, lest they should be filled by enemies, who might thence annoy us. He wished ardently for an enquiry, and hoped the House would agree to the motion.

Sir *Grey Cooper* said, he could not sufficiently express his astonishment that gentlemen should torture words, and give them a construction that could not be warranted by the tenor of the proclamation: he recapitulated the whole of it, and inferred, from its tendency, that nothing cruel could have been intended by the part particularly alluded to; the Americans were no longer to be treated as Americans, but as Frenchmen: that was all that was meant. He then read quotations from Puffendorff and Grotius, to prove that burning of towns that were nurseries of soldiers, or arsenals, or magazines of military stores, was perfectly consistent with the principles of civilized war.

Mr. *Burke* instanced the letter of the marshal de Belleisle to M. de Contades, in the last war, which was intercepted by the English. It was held in so disgraceful a light, that it was published in the London Gazette, to prove to all the world, that the French, driven to extremities, were forced to renew the barbarities of war, and to desolate the country that they could not subdue; and so strongly did this publication work on the French court, that in a proclamation they disavowed all knowledge of it: in so infamous a light did the barbarities of war appear to all Europe. He thought the most exceptionable words were, "that they had hitherto refrained from the extremes of war and the desolation of the country." It was necessary, in order to decide on this point, to look back to the conduct of the war: had not almost every advantage been taken that the right of war among civilized nations could authorise? Thus, if the war was to be changed—if the lenity, the humanity, the toleration which had been hitherto observed, was to be foregone, and we had forbore nothing that the rights of war could authorise, then the plan now to be prosecuted was different from lenity and toleration, and was different from the laws of war. The laws of war were the laws of limitation, for war was constantly to be limited by necessity, and its calamities and ravages bound in by that plea alone. But the extremes of war, and the desolation of a country, went beyond all limitations; and as no necessity could warrant them, no argument could excuse them. To prove, by an example, the difference between the limitations of war, and the extremes of war, he stated, that it would be right and pardonable, because it would be necessary to burn any fort, garrison, or town, that would give strength to the enemy, and enable them to annoy you; it would be proper to burn any house from which the enemy fired upon you; but it would not be lawful, right, or pardonable, to burn any town, or house, that might, in process of time, give strength to the enemy, but which could not now shelter them. "The extremes of war and the desolation of a country," were sweet sounding mutes and liquids, but their meaning was terrible; they meant the killing of man, woman, and child, burning their houses, and ravaging their lands, annihilating humanity from the face of the earth, or rendering it so wretched that death would be preferable. And against whom was this dreadful menace pronounced? Not against the virulent and the guilty, but against those who, conscious of rectitude, had acted to the best of their ability in a good cause, and stood up to fight for freedom and their country. Lewis 14 of France, he said, ravaged and laid waste the Palatinate; and the great duke of Marlborough, in retaliation, ravaged Bavaria: it was held pardonable and fair to revenge the barbarity on the ally, rather than on the criminal herself, because there she was most vulnerable. Would not our enemies do the same? And would not every power be intimidated from allying with a nation who had thrown away every shadow of principle, and renewed the savage horrors of ignorant and uncivilized war?

Lord *North* denied, in the most direct terms, that ministers had any intention of giving the least encouragement to the introduction of any new species of war in

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America. He was much obliged to sir W. Howe for his favourable opinion of him; but begged leave to differ from him, in supposing that it was the fault of ministers that he was not better supported. He was certain they had done every thing in their power to co-operate with him; and if the business had failed through any neglect, which he was inclined to believe it had not, he was fully convinced that ministers would be found to have done all that could be reasonably expected from them.

Mr. Attorney General *Wedderburn* said, that the proclamation was as sober, conscientious, and humane a piece of good writing as ever he saw: he explained away the intention of the 'extremes of war,' and asserted, that nothing could be done but what was necessary to self-preservation, which he avowed was a sufficient plea for all the horrors of war.

Mr. *Rous* reprobated the proclamation, as containing the bloody principles of those by whom it was dictated. Scotch lawyers and Scotch statesmen, he said, had of late come into this country, and poisoned the fountain head of government. It was a melancholy truth, that their influence pervaded every department, and their principles had cankered the constitution. He was for the motion.

Governor *Johnstone* approved of the proclamation throughout, and condemned the American Congress in the strongest terms. He thought no quarter ought to be shewn to them; and if the infernals could be let loose against them, he should approve of the measure. He said, the proclamation certainly did mean a war of desolation: it meant nothing else; it could mean nothing else; and if he had been on the spot when it was issued, he would have signed it. He declared he was of no party. As to the commissioners, they had it not in their power to accept of either of the alternatives proposed by the Congress. They could not allow the independence of America, and they had not power to withdraw the army. They could indeed order a cessation of arms; but the Congress were not satisfied with that.

Sir *George Yonge* said, it was well known the governor had disagreed with the Congress; how it happened, was needless to enquire; but if any man capable of harbouring such a thought, should conceive the idea of urging on this country to a thirst of blood against America, though to the disgrace and ruin of this country, thereby gratifying his resentment, under colour of the public service, no arguments could be better suited to such a purpose than those of the governor. That this seemed strange from a commissioner sent out to make peace; that it must be a matter of concern to every one, to know why that peace, which every one had wished for last year, had slipt through our hands. That the Congress had agreed to treat on two conditions, one of which was left to our own choice, and one of which left the independence of America out, as a preliminary, if the force was withdrawn: that it was to be hoped, when the commissioners returned, all the proceedings would be laid before us. That the Manifesto breathed nothing but the indiscriminate exercise of the extremes of war; that those were sometimes practised, but always fatally to those who used them. That he had seen the Palatinate in 1763; that even then, marks were visible of the desolation made by the French in the preceding century. That they had then defended it on the ground of the rights of war, of covering their frontiers, and of self-preservation; yet mankind revolted against the cruelty, and it was notorious that the blood which was then spilt, cemented the union of that combination and alliance, which in about ten years after shook the French monarchy to its foundations. That the case would be the same now; that, besides this, retaliation would follow; though, that out of the question, it was a disgrace to humanity, and to Great Britain, wantonly to shed blood even with impunity. That he had for some time thought we were a people devoted to destruction: that it now grew more certain, and we seemed resolved to deserve it: that the first capital symptom was, a total want of wisdom in our rulers; the last and finishing one was, a total want of humanity in the people. That we were now arrived, as to both these, to the utmost pitch we could reach; and it was scarcely a prophecy to foretel that we could not, and should not, and indeed we did not deserve to escape the consequences.

The House divided:

	Tellers.	
Yeas	Mr. Coke, of Norfolk Mr. Byng	123
Noes	Sir Wm. Gordon Mr. Robinson	209

So it passed in the negative.

END OF VOL. XIX.

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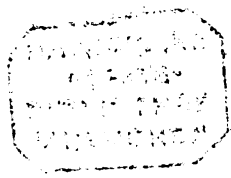

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